

1951
REGULAR
SESSION
LAWS

LAWS
OF THE
TERRITORY OF HAWAII
PASSED BY THE
TWENTY-SIXTH LEGISLATURE

REGULAR SESSION
1951

Convened on Wednesday, the Twenty-first Day of February, and
Adjourned Sine Die on Saturday, the Nineteenth Day of May

Published by Authority under the
Direction of the Secretary of Hawaii
Honolulu, Hawaii

[With notes cumulative 1945, 1947, 1949, 1951.
Prepared with the assistance of Hon. Jon Wilg.]

Printed by
Honolulu Star-Bulletin, Limited
Honolulu, Hawaii
1951

FOREWORD

§§ 2-3, REVISED LAWS OF HAWAII 1945, AS AMENDED, PROVIDE AS FOLLOWS:

"Sec. 2. **Laws published.** The secretary of the Territory or any other officer or employee of the Territory designated by the governor shall promulgate all the laws enacted by the legislature, except general or special appropriation acts, loan fund acts, pension acts and franchise acts, by publishing the same once in the English language in a newspaper of general circulation published daily in Honolulu in the English language. Any of such excepted acts may, however, be published when the governor so directs. After such publication, the secretary or such other officer or employee so designated by the governor shall cause the same, together with all other laws duly enacted at any session of the legislature, to be printed, indexed and bound in book form. The index to any volume of the laws enacted at any regular session shall be cumulative and shall include an index of all laws enacted at every preceding regular or special session of the legislature since the publication of the last revision of the laws of the Territory. Before publishing any act in book form, the secretary or such other officer or employee so designated by the governor is directed to conform the style thereof as near as may be with that of the latest revision of the statute law of the Territory. He is directed, before publishing them in book form, to classify all acts by serial letters or numbers or both and to insert appropriate supplementary chapter and section numbers and headnotes together with section histories, wherever necessary to aid in placing amendments or new sections or chapters in an appropriate supplementary sequence with the latest revision of the laws; and such amendments, new sections and new chapters may be cited by reference to such supplementary chapter and section numbers of such latest revision."

"Sec. 3. **Certain acts not obligatory until published.** No written law, unless otherwise specifically provided by legislative enactment, except general or special appropriation acts, loan fund acts, pension acts and franchise acts, shall be obligatory without first being printed and made public. General or special appropriation acts, loan fund acts, pension acts and franchise acts, whether affecting territorial funds or the funds of county or other municipal subdivisions or commissions, shall become operative according to their respective terms merely by being passed and approved in the manner provided by sections 44 to 54, inclusive, of the Organic Act without the necessity of any other promulgation than the ultimate inclusion thereof in the bound volume of respective session laws as provided in section 69 of the Organic Act."

§§ 2-3, JOINT RESOLUTION No. 4, 1945, PROVIDE AS FOLLOWS:

"Section 2. That the secretary of the Territory be and he is hereby authorized, in complying with the provisions of section 2 of said Revised Laws, before publishing any Act in book form, to change or correct any chapter or section numbers contained as a part of or referred to in any such Act, whenever necessary to carry out the intent of said section 2. Such changes shall be made on the engrossed copy of each such Act and shall be initialed by the secretary thereon."

"Section 3. That any Act of the legislature may be cited by reference to the chapter and section numbers as inserted or added or changed by the secretary of Hawaii pursuant to the provisions of said section 2 and the provisions of this resolution as the same are set forth in the printed volume of the laws enacted at any regular session of the legislature, published in book form by said secretary pursuant to the provisions of said section 2 and of this resolution."

THE LATEST REVISION OF THE STATUTE LAW WAS ENACTED IN 1945 BY ACT 1, SERIES A-1, AND IS PUBLISHED IN A VOLUME ENTITLED "REVISED LAWS OF HAWAII 1945."

(The valuable assistance of Hon. Jon Wilg in the compilation of the cumulative material in this volume is acknowledged.)

CERTIFICATE

Territory of Hawaii
Office of the Secretary

I, Frank G. Serrao, Secretary of the Territory of Hawaii, do hereby certify that the printed Acts and Joint Resolutions set forth herein are, except as otherwise specifically noted, true and correct copies of the original Acts and Resolutions enacted by the Twenty-sixth Legislature of the Territory of Hawaii at its regular session of 1951, which was convened in Honolulu on Wednesday, the twenty-first day of February, 1951, and adjourned sine die on Saturday, the nineteenth day of May, 1951; that all such Acts and Resolutions, except as otherwise specifically noted, were approved by the Governor of Hawaii in accordance with the provisions of the Organic Act.

I further certify that the classification of such Acts and Resolutions and the addition of supplementary chapter and section numbers and headnotes, section histories and footnotes has been done under my direction pursuant to applicable provisions of law.

I further certify that all of such Acts and Resolutions required to be promulgated by publication have been duly published in accordance with law.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the Territory of Hawaii on the fifth day of February, 1952.



A handwritten signature in dark ink, appearing to read "Frank G. Serrao".

Frank G. Serrao
Territory of Hawaii

CHIEF EXECUTIVE AND OFFICERS AND MEMBERS
OF THE TWENTY-SIXTH LEGISLATURE OF THE
TERRITORY OF HAWAII

REGULAR SESSION OF 1951

Governor of Hawaii.....Ingram M. Stainback

SENATE

President.....Wilfred C. Tsukiyama, Honolulu, Oahu
Vice-President.....Thelma Akana Harrison, Honolulu, Oahu
Clerk.....Ellen D. Smythe, Honolulu, Oahu

District	Name	Address
First.....	*Capellas, Eugene S. (R).....	Hilo, Hawaii
	Hill, William H. (R).....	Hilo, Hawaii
	*Nobriga, William J. (R).....	Hilo, Hawaii
	Okino, Tom T. (D).....	Hilo, Hawaii
Second.....	*Ansal, Toshio (R).....	Wailuku, Maui
	Crockett, Wendell F. (R).....	Wailuku, Maui
	*Duarte, John Gomes (D).....	Wailuku, Maui
Third.....	*Dillingham, Benjamin F. (R).....	Honolulu, Oahu
	*Harrison, Thelma Akana (R).....	Honolulu, Oahu
	Heen, William H. (D).....	Honolulu, Oahu
	*Lee, Herbert K. H. (D).....	Honolulu, Oahu
	Robinson, Mary K. (R).....	Honolulu, Oahu
	Tsukiyama, Wilfred C. (R).....	Honolulu, Oahu
Fourth.....	*Aguiar, Manuel R., Jr. (D).....	Kapaa, Kauai
	Fernandes, John B. (D).....	Kapaa, Kauai

* Holdovers

D—Democrat 6

R—Republican 9

OFFICERS AND MEMBERS OF THE LEGISLATURE

HOUSE OF REPRESENTATIVES

Speaker	Hiram L. Fong, Honolulu, Oahu
Vice-Speaker.....	Hebden Porteus, Honolulu, Oahu
Clerk.....	Walter G. Chuck, Honolulu, Oahu

District	Name	Address
First.....	Garcia, Joseph R., Jr. (R).....	Hakalau, Hawaii
	Pakele, Peter N., Jr. (R).....	Hilo, Hawaii
	Sakakihara, Thomas T. (R).....	Hilo, Hawaii
	Yamauchi, Joseph Takao (R).....	Hilo, Hawaii
Second.....	Hind, Robert L., Jr. (R).....	Holualoa, Hawaii
	Nielsen, Earl A. (D).....	Kealakekua, Hawaii
	Richardson, Esther K. (R).....	Kealakekua, Hawaii
	Yates, Julian R., Sr. (R).....	Kealakekua, Hawaii
Third.....	Duponte, Mrs. Harold Dee (D).....	Wailuku, Maui
	Kishimoto, Kaneo (D).....	Wailuku, Maui
	Lydgate, E. P. (R).....	Paia, Maui
	Paschoal, Manuel Gomes (R).....	Wailuku, Maui
	Seong, Clarence K. (D).....	Wailuku, Maui
	St. Sure, Richard (R).....	Paia, Maui
Fourth.....	Hayes, Flora Kaai (R).....	Honolulu, Oahu
	King, Jack P. (R).....	Honolulu, Oahu
	McGuire, Walter F. (R).....	Honolulu, Oahu
	Porteus, Hebden (R).....	Honolulu, Oahu
	Russell, J. Ward (R).....	Honolulu, Oahu
	Starr, Russell (R).....	Honolulu, Oahu
Fifth.....	Esposito, O. Vincent (D).....	Honolulu, Oahu
	Fong, Hiram L. (R).....	Honolulu, Oahu
	Fukushima, Yasutaka (R).....	Wahiawa, Oahu
	Kido, Mitsuyuki (D).....	Honolulu, Oahu
	Noda, Steere G. (D).....	Honolulu, Oahu
	Shimamura, Clarence Y. (R).....	Honolulu, Oahu
Sixth.....	Henriques, Manuel Souza (D).....	Kapaa, Kauai
	Leong, William W. Y. (D).....	Kapaa, Kauai
	Miyake, Noboru (R).....	Waimea, Kauai
	Otsuka, Wallace (R).....	Kapaa, Kauai

D—Democrat	9
R—Republican	21

LAWS 1951.

TABLE of ACTS of 1951 SESSION LAWS—and SERIES Arrangement to
Correspond with Sequence of Sections in R. L. 1945.

1951 Act: Series	1951 Act: Series	1951 Act: Series	1951 Act: Series	1951 Act: Series	1951 Act: Series
1: F-276	56: A- 38	111: F-309	166: A-123	221: B-137	276: F-315
2: F-284	57: A- 32	112: D-243	167: D-224	222: A-125	277: F-316
3: A-104	58: A- 34	113: A- 71	168: C-172	223: C-170	278: D-221
4: A- 44	59: E-267	114: C-166	169: A- 96	224: A- 41	279: A- 16
5: A- 43	60: D-239	115: E-251	170: D-223	225: A-117	280: C-171
6: A- 31	61: A- 50	116: A-116	171: B-143	226: A- 94	281: C-183
7: B-130	62: A- 65	117: C-196	172: A-111	227: A- 9	282: D-225
8: F-304	63: F-310	118: C-198	173: A- 60	228: B-138	283: A- 91
9: B-151	64: A- 56	119: C-200	174: A- 51	229: B-139	284: F-320
10: F-318	65: B-132	120: C-197	175: E-257	230: A- 61	285: F-308
11: B-154	66: E-260	121: A- 18	176: C-203	231: A- 13	286: C-209
12: A- 8	67: F-325	122: A- 67	177: A- 15	232: F-321	287: D-236
13: A- 35	68: F-292	123: A- 83	178: A- 49	233: B-135	288: E-265
14: E-269	69: A-124	124: C-202	179: F-290	234: E-271	289: A- 14
15: F-277	70: F-289	125: A- 93	180: A- 84	235: F-281	290: B-150
16: A- 72	71: A- 99	126: A-100	181: A- 55	236: F-280	291: A-102
17: F-275	72: E-254	127: A- 27	182: E-266	237: C-176	292: A- 52
18: A- 53	73: B-146	128: A- 90	183: C-178	238: F-311	293: C-187
19: A- 75	74: A- 36	129: A- 57	184: C-180	239: A-107	294: C-201
20: A- 42	75: E-252	130: E-256	185: C-179	240: E-261	295: D-246
21: F-324	76: A- 39	131: F-283	186: C-163	241: C-206	296: A- 85
22: A-106	77: C-184	132: E-247	187: A-119	242: F-299	297: C-204
23: A- 74	78: A- 10	133: A-108	188: D-233	243: B-157	298: C-207
24: A- 95	79: F-317	134: A- 66	189: E-272	244: B-133	299: F-306
25: B-156	80: C-199	135: C-216	190: A- 48	245: A- 29	300: F-293
26: D-220	81: C-195	136: A-118	191: A- 80	246: C-205	301: A- 1
27: E-259	82: C-188	137: A- 97	192: D-222	247: F-279	302: A-120
28: F-307	83: C-192	138: A- 98	193: A- 23	248: F-288	303: D-231
29: B-140	84: C-193	139: A- 12	194: A- 86	249: A- 76	304: C-168
30: E-249	85: C-191	140: A- 26	195: A- 79	250: A-113	305: F-322
31: A- 59	86: C-185	141: D-244	196: C-162	251: A-114	306: D-234
32: A- 30	87: C-214	142: D-240	197: A- 81	252: C-167	307: C-182
33: A- 82	88: C-212	143: F-298	198: C-186	253: C-169	308: A- 6
34: A- 54	89: C-190	144: B-141	199: D-228	254: C-173	309: A- 4
35: D-227	90: C-177	145: D-230	200: D-242	255: E-264	310: A- 7
36: E-248	91: D-226	146: C-164	201: A- 62	256: A- 20	311: F-300
37: E-250	92: A- 64	147: C-165	202: C-215	257: D-237	312: F-296
38: D-245	93: A- 24	148: F-326	203: B-136	258: A-115	313: C-174
39: C-218	94: F-319	149: C-208	204: E-262	259: A-103	314: F-301
40: F-305	95: C-211	150: F-282	205: B-160	260: F-287	315: F-285
41: A- 47	96: B-131	151: A-109	206: C-175	261: B-158	316: D-232
42: A- 63	97: C-213	152: B-148	207: F-286	262: A- 19	317: B-159
43: C-217	98: C-189	153: B-142	208: B-152	263: A- 5	318: F-274
44: A- 11	99: A-127	154: A- 21	209: A- 78	264: A-129	319: A- 2
45: C-210	100: E-270	155: F-323	210: F-291	265: E-263	320: A- 3
46: A-101	101: A-105	156: A- 28	211: F-303	266: C-181	321: E-268
47: D-241	102: B-153	157: A- 58	212: A- 68	267: A- 46	322: F-278
48: A- 89	103: A-128	158: A- 25	213: A- 92	268: E-253	323: A-112
49: A- 87	104: D-229	159: B-144	214: F-302	269: C-194	324: F-294
50: A- 88	105: A- 70	160: E-255	215: B-161	270: D-235	325: A- 45
51: B-149	106: A- 77	161: A-122	216: D-238	271: B-147	326: A- 17
52: F-297	107: E-273	162: A-126	217: A- 37	272: D-219	
53: A- 33	108: B-155	163: A- 40	218: E-258	273: F-312	
54: A- 69	109: F-295	164: A-110	219: A- 73	274: F-313	
55: B-145	110: A- 22	165: A-121	220: B-134	275: F-314	

SERIES NUMBERS TO ACT NUMBERS

Series Nos.	1951 Acts	Series Nos.	1951 Acts	Series Nos.	1951 Acts	Series Nos.	1951 Acts	Series Nos.	1951 Acts	Series Nos.	1951 Acts
A- 1:	301	A- 56:	64	A-111:	172	C-166:	114	D-221:	278	F-276:	1
A- 2:	319	A- 57:	129	A-112:	323	C-167:	252	D-222:	192	F-277:	15
A- 3:	320	A- 58:	157	A-113:	250	C-168:	304	D-223:	170	F-278:	322
A- 4:	309	A- 59:	31	A-114:	251	C-169:	253	D-224:	167	F-279:	247
A- 5:	263	A- 60:	173	A-115:	258	C-170:	223	D-225:	282	F-280:	236
A- 6:	308	A- 61:	230	A-116:	116	C-171:	280	D-226:	91	F-281:	235
A- 7:	310	A- 62:	201	A-117:	225	C-172:	168	D-227:	35	F-282:	150
A- 8:	12	A- 63:	42	A-118:	136	C-173:	254	D-228:	199	F-283:	131
A- 9:	227	A- 64:	92	A-119:	187	C-174:	313	D-229:	104	F-284:	2
A- 10:	78	A- 65:	62	A-120:	302	C-175:	206	D-230:	145	F-285:	315
A- 11:	44	A- 66:	134	A-121:	165	C-176:	237	D-231:	303	F-286:	207
A- 12:	139	A- 67:	122	A-122:	161	C-177:	90	D-232:	316	F-287:	260
A- 13:	231	A- 68:	212	A-123:	166	C-178:	183	D-233:	188	F-288:	248
A- 14:	289	A- 69:	54	A-124:	69	C-179:	185	D-234:	306	F-289:	70
A- 15:	177	A- 70:	105	A-125:	222	C-180:	184	D-235:	270	F-290:	179
A- 16:	279	A- 71:	113	A-126:	162	C-181:	266	D-236:	287	F-291:	210
A- 17:	326	A- 72:	16	A-127:	99	C-182:	307	D-237:	257	F-292:	68
A- 18:	121	A- 73:	219	A-128:	103	C-183:	281	D-238:	216	F-293:	300
A- 19:	262	A- 74:	23	A-129:	264	C-184:	77	D-239:	60	F-294:	324
A- 20:	256	A- 75:	19	B-130:	7	C-185:	86	D-240:	142	F-295:	109
A- 21:	154	A- 76:	249	B-131:	96	C-186:	198	D-241:	47	F-296:	312
A- 22:	110	A- 77:	106	B-132:	65	C-187:	293	D-242:	200	F-297:	52
A- 23:	193	A- 78:	209	B-133:	244	C-188:	82	D-243:	112	F-298:	143
A- 24:	93	A- 79:	195	B-134:	220	C-189:	98	D-244:	141	F-299:	242
A- 25:	158	A- 80:	191	B-135:	233	C-190:	89	D-245:	38	F-300:	311
A- 26:	140	A- 81:	197	B-136:	203	C-191:	85	D-246:	295	F-301:	314
A- 27:	127	A- 82:	33	B-137:	221	C-192:	83	E-247:	132	F-302:	214
A- 28:	156	A- 83:	123	B-138:	228	C-193:	84	E-248:	36	F-303:	211
A- 29:	245	A- 84:	180	B-139:	229	C-194:	269	E-249:	30	F-304:	8
A- 30:	32	A- 85:	296	B-140:	29	C-195:	81	E-250:	37	F-305:	40
A- 31:	6	A- 86:	194	B-141:	144	C-196:	117	E-251:	115	F-306:	299
A- 32:	57	A- 87:	49	B-142:	153	C-197:	120	E-252:	75	F-307:	28
A- 33:	53	A- 88:	50	B-143:	171	C-198:	118	E-253:	268	F-308:	285
A- 34:	58	A- 89:	48	B-144:	159	C-199:	80	E-254:	72	F-309:	111
A- 35:	13	A- 90:	128	B-145:	55	C-200:	119	E-255:	160	F-310:	63
A- 36:	74	A- 91:	283	B-146:	73	C-201:	294	E-256:	130	F-311:	238
A- 37:	217	A- 92:	213	B-147:	271	C-202:	124	E-257:	175	F-312:	273
A- 38:	56	A- 93:	125	B-148:	152	C-203:	176	E-258:	218	F-313:	274
A- 39:	76	A- 94:	226	B-149:	51	C-204:	297	E-259:	27	F-314:	275
A- 40:	163	A- 95:	24	B-150:	290	C-205:	246	E-260:	66	F-315:	276
A- 41:	224	A- 96:	169	B-151:	9	C-206:	241	E-261:	240	F-316:	277
A- 42:	20	A- 97:	137	B-152:	208	C-207:	298	E-262:	204	F-317:	79
A- 43:	5	A- 98:	138	B-153:	102	C-208:	149	E-263:	265	F-318:	10
A- 44:	4	A- 99:	71	B-154:	11	C-209:	286	E-264:	255	F-319:	94
A- 45:	325	A-100:	126	B-155:	108	C-210:	45	E-265:	288	F-320:	284
A- 46:	267	A-101:	46	B-156:	25	C-211:	95	E-266:	182	F-321:	232
A- 47:	41	A-102:	291	B-157:	243	C-212:	88	E-267:	59	F-322:	305
A- 48:	190	A-103:	259	B-158:	261	C-213:	97	E-268:	321	F-323:	155
A- 49:	178	A-104:	3	B-159:	317	C-214:	87	E-269:	14	F-324:	21
A- 50:	61	A-105:	101	B-160:	205	C-215:	202	E-270:	100	F-325:	67
A- 51:	174	A-106:	22	B-161:	215	C-216:	135	E-271:	234	F-326:	148
A- 52:	292	A-107:	239	C-162:	196	C-217:	43	E-272:	189		
A- 53:	18	A-108:	133	C-163:	186	C-218:	39	E-273:	107		
A- 54:	34	A-109:	151	C-164:	146	D-219:	272	F-274:	318		
A- 55:	181	A-110:	164	C-165:	147	D-220:	26	F-275:	17		

CHRONOLOGICAL TABLE OF CONTENTS ACTS AND JOINT RESOLUTIONS SESSION LAWS 1951

Arranged in sequence of the chapters and sections of Revised Laws of Hawaii 1945 which are affected:

Series A—denotes Acts amending and adding new sections, affecting **Part A, R. L. 1945, General Laws** and Territorial Departments, Taxation, etc.

Series B—denotes Acts amending, etc., **Part B, R. L. 1945,** affecting **Counties.**

Series C—denotes Acts amending, etc., **Part C, R. L. 1945,** affecting **Business and Corporations.**

Series D—denotes Acts amending, etc., **Part D, R. L. 1945,** affecting **Courts and Related Subjects.**

Series E—denotes Acts amending, etc., **Part E, R. L. 1945,** affecting **Miscellaneous Laws and Appendix.**

Series F—denotes General **Appropriations and Miscellaneous** Temporal Acts.

J.R. —denotes **Joint Resolutions.**

Abbreviations correspond to table on page 2, **R. L. 1945.**

Act	Page
1 : Series F-276 (S. B. 30)—Deficiency appropriation for public welfare for biennium ending June 30, 1951.....	675
2 : Series F-284 (S. B. 1)—Appropriation for expenses of legislature, pre-session travel and subsistence to reimburse governor's contingent fund.....	680-682
3 : Series A-104 (H. B. 704)—Amending § 4931.01 re name of Honolulu Airport.....	255
4 : Series A-44 (H. B. 304)—Amending § 1752 re leaves of absence for teachers.....	138
5 : Series A-43 (S. B. 227)—Amending § 1751 and § 1752 re sabbatical leaves for public school teachers.....	137
6 : Series A-31 (H. B. 966)—Authorizing commissioners of Agriculture and Forestry to establish, manage and regulate game reserves, refuges and public shooting grounds and providing penalties; new §§ 1179, 1180	110-111

TABLE OF CONTENTS

Act	Page
7 : Series B-130 (S. B. 35)—Amending chap. 118, § 6095 re revenue bonds.....	322
8 : Series F-304 (H. B. 150)—Amending Act 54 (F-359) S. L. 1949, by amending item 7 of section 3 and re-appropriating the sum for such item.....	700
9 : Series B-151 (H. B. 18)—Amending § 6459 re Maui hospital managing committee.....	396
10 : Series F-318 (S. B. 18)—Amending Act 205 (A-147) S. L. 1947, re appropriations for public improvements, providing for issuance of public improvement bonds, and for public improvements at Maalaea, Maui.....	709
11 : Series B-154 (S. B. 69)—Amending first paragraph of § 14 (§ 6490.14) of Act 289 (B-194) S. L. 1949, re Maui County Waterworks Board.....	401-402
12 : Series A-8 (S. B. 540)—Amending chap. 8 re eminent domain; new § 301.01, § 304.01; amending §§ 301-305, 308, 309, 316, 318, 319, 5044, 5057, 6101, 6102; repealing §§ 321, 322, 325, 5046-5056.....	52-61
13 : Series A-35 (H. B. 221)—Amending § 1238 re Opehu fishing.....	114-115
14 : Series E-269 (H. B. 224)—Amending Act 401 (E-325) S. L. 1949 re appropriations for public improvements and issuance of public improvement bonds.....	659
15 : Series F-277 (H. B. 405)—Appropriation for Hawaii employment relations board for biennial period ending June 30, 1951.....	676
16 : Series A-72 (H. B. 780)—Amending § 4019 re conveyance of mentally ill persons to Territorial Hospital.....	194
17 : Series F-275 (H. B. 96)—Appropriations to cover certain deficiencies for governmental purposes for biennial period ending June 30, 1951.....	673-675
18 : Series A-53 (H. B. 476)—Providing for a bureau of industrial hygiene, defining its powers and duties, new §§ 2012.06, 2012.07, amending § 2015.....	157-158
19 : Series A-75 (H. B. 481)—Amending § 4121 re child labor.....	197-198
20 : Series A-42 (H. B. 160)—Amending § 1653 re maintenance of inventory of government assets by county officers.....	136
21 : Series F-324 (S. B. 78)—Amending § 105 exempting certain positions in department of public instruction from provisions of chapter 3 re classification.....	714
22 : Series A-106 (S. B. 8)—Amending § 4981 re harbor commissioners.....	259-260
23 : Series A-74 (S. B. 60)—Amending § 4112 re duties and powers of commission of labor and industrial relations.....	197
24 : Series A-95 (S. B. 171)—Repealing § 2436; new § 4829.01 re non-diseased children of Hansen's disease patients, transferring, care, control, and custody of such children from the board of health to public welfare.....	245
25 : Series B-156 (S. B. 252)—Amending § 6534 re prohibition of unauthorized employment and fixing salaries of employees of City and County of Honolulu.....	403

TABLE OF CONTENTS

Act	Page
26 : Series D-220 (S. B. 517)—Amending § 9633 re number of first circuit court judges by providing an additional judge and making appropriation.....	556
27 : Series E-259 (H. B. 127)—Amending Act 24 S. L. 1927 as ratified by Act of Congress of March 2, 1928 extending electric light and power franchise granted by said act to cover entire districts of Waimea and Koloa, Kauai	644-645
28 : Series F-307 (H. B. 154)—Authorizing payment of pay increments for certain periods for employees of Hawaii County to be paid out of certain appropriations	702
29 : Series B-140 (H. B. 169)—Combining Puumaille and Hilo Memorial Hospitals; creating "managing committee, Puumaille and Hilo Memorial Hospital"; new §§ 6381.01-6381.03; repealing §§ 6382-3285.....	346-349
30 : Series E-249 (S. B. 232)—Amending § 13002 and § 13011 re military courts martial.....	599
31 : Series A-59 (S. B. 238)—Amending Act 80, S. L. 1949 § 2403 re meetings of board of health.....	170-171
32 : Series A-30 (S. B. 284)—Amending § 1071 re owners of unbranded animals	109
33 : Series A-82 (S. B. 481)—Amending chap. 74, § 4226 re employment security	224-225
34 : Series A-54 (H. B. 125)—Creating a bureau of nutrition of the board of health and providing for its duties; new § 2012.08	158-159
35 : Series D-227 (H. B. 268)—Amending chap. 195, new § 9801.01 authorizing jury commissioners to issue questionnaires to prospective jurors and grand jurors, and defining as contempt any failure or refusal to complete and return questionnaire.....	564-565
36 : Series E-248 (H. B. 409)—New §§ 12942-12945 creating a commission on historical sites and defining its powers and duties	597-598
37 : Series E-250 (H. B. 566)—Amending § 13050 as amended by Act 123 (E-189) S. L. 1947, re armory board.....	599-600
38 : Series D-245 (H. B. 734)—New § 12732.01 re deeds offered for record	595
39 : Series C-218 (H. B. 747)—New §§ 9371-9432 re issuance, negotiation and transfer of warehouse receipts and obligations and rights of warehousemen upon their receipts and with respect to warehoused goods; making uniform law with respect thereto; creating offenses and providing penalties therefor; and repealing §§ 8780-8783 and all other laws inconsistent therewith	539-554
40 : Series F-305 (H. B. 829)—Amending Act 102 (F-227) S. L. 1947 re clearing, development and improvement of Kaumana Park, South Hilo, Hawaii County.....	700-701
41 : Series A-47 (H. B. 315)—New § 1892.02 re vocational agriculture and farm shop training at Lahainaluna High School	145-146

TABLE OF CONTENTS

Act	Page
42 : Series A-63 (H. B. 437)—New §§ 2957, 2958 re public health; establishing the division of preventive medicine, and defining powers thereof.....	179-180
43 : Series C-217 (H. B. 748)—New §§ 9341-9361 re trust receipts and pledges of personal property unaccompanied by possession in pledgee, making uniform law with reference thereto and repealing all laws inconsistent therewith	527-538
44 : Series A-11 (H. B. 804)—Amending § 358 re citizen labor	65
45 : Series C-210 (H. B. 845)—New §§ 8891-8698 re assignment of accounts receivable and notices thereof; the rights and liabilities of assignors, assignees, mortgagors and mortgagees of accounts receivable and persons owing same, and persons interested therein	516-521
46 : Series A-101 (H. B. 874)—Amending § 4853 re examinations of blind for public assistance.....	251-252
47 : Series D-241 (S. B. 73)—Amending § 12710 and § 12712 re organization of certain executive departments; transferring bureau of conveyances from treasury department to department of public lands.....	591-592
48 : Series A-89 (S. B. 234)—Amending § 4464 as amended by Act 169 (A-67) S. L. 1947 re workmen's compensation	237
49 : Series A-87 (H. B. 11)—Amending §§ 4414, 4416, 4417 re workmen's compensation.....	230-232
50 : Series A-88 (H. B. 12)—Amending chap. 77, § 4417 re workmen's compensation	232-236
51 : Series B-149 (H. B. 72)—New §§ 6430-6446, and amending re prevention and control of fire hazards and fires in Kauai County; creating Kauai fire department; defining offenses and providing penalties..	369-374
52 : Series F-297 (H. B. 100)—Making available appropriation for Lawrence W. Campos for loss of certain hogs.....	692-693
53 : Series A-33 (H. B. 229)—New § 1222.01, § 1222.02 re operation of fish traps, providing for licenses and penalties; amending chap. 19 and repealing §§ 7071 and 7072	112-113
54 : Series A-69 (H. B. 799)—Amending § 3843, adding new § 3843.01 re industrial and reformatory schools.....	192
55 : Series B-145 (H. B. 951)—New § 6452.02 authorizing the board of supervisors of Maui County to regulate motor vehicle common carriers of passengers in the county	395-396
56 : Series A-38 (S. B. 281)—Amending Act 84 (A-36) S. L. 1947 § 1320.03 re regulation and registration of mixed feeding stuffs.....	125-126
57 : Series A-32 (S. B. 282)—Amending Act 60 (A-24) § 1180.08 re registration of economic poisons.....	111
58 : Series A-34 (S. B. 289)—Amending § 1231 re fishing in certain canals, including the Kapaa and Waikaea Canals on Kauai.....	113-114

TABLE OF CONTENTS

Act	Page
59 : Series E-267 (S. B. 335)—Amending Act 400 (E-324) S. L. 1949 authorizing the board of supervisors of Maui County to issue bonds for school purposes.....	654
60 : Series D-239 (S. B. 338)—Amending section 4 of Act 202 (D-186) § 12561.04 re limitation on the number of wards under uniform veterans' guardianship act.....	589
61 : Series A-50 (S. B. 529)—Amending § 1943 re powers of regents of the University of Hawaii.....	154
62 : Series A-65 (H. B. 545)—Amending Act 327 (A-92) S. L. 1949, new § 3100.32-A requiring furnishing of statistics in connection with divorces and annulments of marriage and filing thereof in the bureau of vital statistics	183-184
63 : Series F-310 (H. B. 692)—Ratifying and approving an agreement between Hawaii County and the Hawaii Aeronautics Commission	703-704
64 : Series A-56 (H. B. 899)—Amending § 2015 as amended Act 116 (A-42) S. L. 1945 and Act 71 (A-59) S. L. 1949, re authority of board of health to make regulations for the public health and safety.....	160
65 : Series B-132 (H. B. 946)—Amending chap. 121, § 6192.03 re pensions	323-324
66 : Series E-260 (H. B. 1132)—Amending Act-101 as amended S. L. 1921 re franchise of Hilo Electric Light Company, Limited	645
67 : Series F-325 (H. B. 23)—Amending chap. 100 and § 5260 re fuel taxes and disposition thereof in Maui County	714-715
68 : Series F-292 (H. B. 214)—Making appropriation for rehabilitation of nene (Hawaiian goose).....	687
69 : Series A-124 (H. B. 1125)—Amending § 5574 re inheritance tax	307
70 : Series F-289 (H. B. 2)—Making appropriation for purposes of Act 365 (E-314) re statehood for Hawaii.....	685
71 : Series A-99 (H. B. 1115)—Amending § 4847 re public assistance to aged persons.....	248-250
72 : Series E-254 (H. B. 558)—Re compensation of Chief Justice and Associate Justices of Supreme Court and judges of Circuit Courts of Hawaii and making appropriation therefor	637
73 : Series B-146 (H. B. 167)—New §§ 6414.02-6414.04 re providing for establishment of Kauai Veterans Memorial Hospital at Waimea, Kauai.....	355-357
74 : Series A-36 (H. B. 293)—Amending Act 114 (A-41) §§ 1312.01-1312.14 re regulating dealers in farm produce	115-122
75 : Series E-252 (H. B. 644)—New §§ 13109.01-13109.08 and repealing Act 150 (E-211) S. L. 1945 re creating a new council on veterans' affairs, defining its functions, powers and duties, abolishing territorial council on veterans' affairs.....	603-606

TABLE OF CONTENTS

Act	Page
76 : Series A-39 (H. B. 900)—New §§ 1375.01-A, 1375.05-A, 1375.05-B, amending §§ 1375.03, 1375.05 re sale and use of 2, 4-D and related weed control substances having plant hormone characteristics; adding a legislative declaration; requiring a permit to use such substances; and providing a procedure of appeal.....	127-131
77 : Series C-184 (H. B. 264)—Amending chap. 150 (E-211) §§ 7733, 7734, 7737, 7740, 7741; new § 7741.01 re real estate brokers and salesmen.....	456-460
78 : Series A-10 (H. B. 359)—Amending § 351 re qualifications of bidders on public contracts.....	63-64
79 : Series F-317 (H. B. 401)—Making appropriation for construction of improvements on and development of public lands formerly known as "Kapaa Swamp," Kapaa, Kauai	708-709
80 : Series C-199 (H. B. 406)—Amending § 8351 of chap. 155 re corporations	476-477
81 : Series C-195 (H. B. 580)—Amending § 8228 re restrictions on loan of building and loan associations.....	473
82 : Series C-188 (H. B. 581)—Amending § 8193 re notaries public connected with building and loan associations	467-468
83 : Series C-192 (H. B. 582)—Amending § 8222 re real estate loans of building and loan associations.....	470-471
84 : Series C-193 (H. B. 583)—Amending § 8225 re loans of surplus funds of building and loan associations.....	471-472
85 : Series C-191 (H. B. 585)—Amending § 8218 re withdrawals from building and loan associations.....	470
86 : Series C-185 (H. B. 676)—Amending § 8084 re investments authorized for bank savings departments.....	460-461
87 : Series C-214 (H. B. 677)—Amending chap. 170 new § 8823.01 re suspension, revocation or surrender of licenses of industrial loan companies.....	523-524
88 : Series C-212 (H. B. 678)—New § 8811.01 re annual license fee for industrial loan companies.....	522
89 : Series C-190 (H. B. 681)—Amending § 8215 re cash reserves of building and loan associations.....	469
90 : Series C-177 (H. B. 754)—Amending chap. 139, §§ 7361-7385, new §§ 7368.01, 7380.01 providing for regulation of licenses to dealers and salesmen of motor vehicles, providing rules regulating the licensing and renewals of licenses to motor vehicle dealers and salesmen and motor vehicle retail installment contracts, and providing penalties for violation.....	433-446
91 : Series D-226 (S. B. 90)—Amending § 9791 re removing discrimination against women in jury service.....	564
92 : Series A-64 (S. B. 100)—Amending "Territorial Public Health Statistics Act," enacted by Act 327 (A-92) S. L. 1949, §§ 3100.02, 3100.12, 3100.13, 3100.27, 3100.28, 3100.29	180-183
93 : Series A-24 (S. B. 388)—Amending § 707 re employees' retirement system	102-103

TABLE OF CONTENTS

Act	Page
94 : Series F-319 (S. B. 435)—Relating to the name of Kula Sanatorium	710
95 : Series C-211 (S. B. 463)—Amending § 8772 and 7 of Act 241 (C-241) S. L. 1949 re liens of mechanics and materialmen	521-522
96 : Series B-131 (S. B. 542)—Amending § 6101 of chap. 119 re power of eminent domain of county government with respect to purposes for taking of private property	322-323
97 : Series C-214 (H. B. 675)—Amending § 8815 re refunds by industrial loan companies.....	523
98 : Series C-189 (H. B. 680)—Amending § 8207 re capital stock of building and loan associations.....	468
99 : Series A-127 (H. B. 723)—Amending chap. 111, §§ 5825, 5829, new § 5829.01, § 5830.01 re territorial bank examiner and providing penalties for violations of said chapter	315-316
100 : Series E-270 (H. B. 769)—Amending item 42 (Hawaii County) of subsection (a) of § 2 of Act 401 (E-325) S. L. 1949 re Honokaa Hospital.....	660
101 : Series A-105 (H. B. 975)—Transferring regulation of manufacturing, sale, possession and use of explosives, from the public works to labor and industrial relations; amending chapter 76A, as enacted by Act 64 (A-65) S. L. 1947, as amended, and chapter 88 to accomplish such purpose; and making appropriation; amending §§ 4941-4943, renumbering §§ 4946-4953, to §§ 4393.11-4393.18; new §§ 4393.19-4393.21.....	256-258
102 : Series B-153 (H. B. 985)—Amending §§ 6490.04, 6490.14 re Maui County waterworks board.....	400-401
103 : Series A-128 (H. B. 1010)—New §§ 5836-5839 re banks, trust companies or savings and loan associations and authorizing destruction of records and files after prescribed period of time and effect of destruction of such records.....	317-318
104 : Series D-229 (H. B. 1011)—New §§ 9883.01-9883.04 re providing for admission in evidence of photographic reproductions of business and public records and making law uniform.....	567-568
105 : Series A-70 (H. B. 1063)—New § 3905.01 re jails and places of confinement in Maui County.....	192
106 : Series A-77 (H. B. 1094)—New §§ 4155.01-4155.10, chap. 72 B, re providing for licensing and regulation of emigrant agents, prescribing penalties for violations of regulations promulgated and repealing §§ 7054-7062	200-205
107 : Series E-273 (S. B. 307)—Providing for withdrawal of William Viela, Sr., as member of employees' retirement system and reinstatement as member of pension fund for policemen of Maui County.....	661-662
108 : Series B-155 (S. B. 502)—Amending § 6527.01 and Act 153 (B-169) S. L. 1949 re off-street parking areas.....	402-403
109 : Series F-295 (H. B. 206)—Appropriating \$3,000.00 for relief of Mrs. Edith K. De Matta.....	691

TABLE OF CONTENTS

Act	Page
110 : Series A-22 (H. B. 176)—Amending §§ 701, 703, 704, new § 704.02, § 704.03 re employees' retirement system.....	98-101
111 : Series F-309 (H. B. 26)—Amending Act 73 (F-210) S. L. 1947 re federal aid highways in Hawaii County and making appropriations	703
112 : Series D-243 (H. B. 61)—Amending § 12728 re fees of bureau of conveyances.....	593-594
113 : Series A-71 (H. B. 524)—Amending § 3906 re duties of jailors	193
114 : Series C-166 (H. B. 535)—Amending § 7131 re fees for license to drive certain licensed vehicles.....	418
115 : Series E-251 (H. B. 565)—Amending §§ 13059, 13061, 13065, 13072 re national guard and unorganized militia	600-602
116 : Series A-116 (H. B. 733)—Amending §§ 5344-5347, 5349 re compensation and dividends tax.....	276-278
117 : Series C-196 (H. B. 785)—Amending § 8305 re corporations	473
118 : Series C-198 (H. B. 808)—Amending §§ 8311 and 8312 re eleemosynary corporations.....	475
119 : Series C-200 (H. B. 809)—New § 8358 re corporations involuntarily dissolved	477
120 : Series C-197 (H. B. 811)—Amending § 8308 re corporations	474-475
121 : Series A-18 (H. B. 380)—Amending § 552 re sick leaves and providing for administration on a calendar year basis	76
122 : Series A-67 (H. B. 819)—Amending § 3651 re government aid for housing projects.....	190
123 : Series A-83 (H. B. 827)—Amending § 4259 re penalty for delinquency in payment of unemployment compensation contributions	226
124 : Series C-202 (H. B. 849)—Amending § 8395 re foreign corporations	481
125 : Series A-93 (H. B. 872)—Amending §§ 4821, 4848 and 4850 re public assistance to blind.....	241-243
126 : Series A-100 (H. B. 873)—Amending Part II of chap. 85, new § 4849.01 re aid to permanently and totally disabled	251
127 : Series A-27 (H. B. 881)—Amending § 708 re employees' retirement system	104-106
128 : Series A-90 (H. B. 924)—Amending § 4517 re public lands and fees for consent to assign, sublet, mortgage or transfer interests in same.....	238
129 : Series A-57 (H. B. 168)—New §§ 2261-2271 creating division of hospitals and medical care in department of health, providing for a territorial advisory commission and county advisory health committees, providing for medical care of indigents and medically indigent, amending §§ 6233 and 6521 and making appropriation	162-165

TABLE OF CONTENTS

Act	Page
130 : Series E-256 (H. B. 7)—Amending J. R. 5, Sp. S. L. 1949 re commission on subversive activities and making appropriation	639-642
131 : Series F-283 (H. B. 454)—Appropriation re Kamehameha Day celebration	680
132 : Series E-247 (H. B. 494)—Amending § 12910 re certificates of Hawaiian birth.....	596
133 : Series A-108 (H. B. 727)—Amending chap. 94 and 95, §§ 5104, 5105, 5133, 5149, 5168, 5203, new 5155.01 re taxation	261-266
134 : Series A-66 (H. B. 825)—Amending chap. 61, §§ 3503, 3507, 3515, 3530, 3532, 3536 and 3537, repealing §§ 3533, 3534 and 3535 re Hawaii housing authority....	184-189
135 : Series C-216 (H. B. 833)—Amending § 9288 re registration and protection of trade marks, prints and labels	526
136 : Series A-118 (H. B. 1066)—Amending chap. 100, §§ 5401 and 5405 re fuel taxes.....	283-284
137 : Series A-97 (H. B. 1112)—Amending § 4839 re fraudulent or improper obtaining of public assistance.....	247
138 : Series A-98 (H. B. 1113)—Amending § 4843 re penalties for frauds in connection with public assistance.....	248
139 : Series A-12 (H. B. 1136)—Amending § 359 re hours of labor and computation of wages on public work of territory or any political subdivision thereof.....	65-66
140 : Series A-26 (H. B. 413)—Amending § 708 re employees' retirement system	104
141 : Series D-244 (H. B. 58)—Amending § 12729 re duties of registrar of conveyances.....	594
142 : Series D-240 (H. B. 59)—Amending §§ 12660, 12662, 12663, 12684, 12695 and repealing § 12661 re mortgagee's and lessee's duplicate certificates of title, providing for surrender and cancellation thereof.....	590-591
143 : Series F-298 (H. B. 99)—Making available appropriation for claim of Emil Carreira and Dolinda Carreira, parents of Robert Carreira, deceased, or his personal representative for death of said Robert Carreira.....	693
144 : Series B-141 (H. B. 124)—Amending Act 174 (B-114) S. L. 1947, § 6402 re Hawaii Fire Department.....	349-352
145 : Series D-230 (H. B. 528)—New §§ 11225 and 11226 re defining crime of providing minors with habit-forming drugs and penalty.....	571
146 : Series C-164 (H. B. 597)—Amending § 7085 re county licenses for producing, processing or otherwise preparing milk intended for sale and for human consumption	417
147 : Series C-165 (H. B. 610)—Amending §§ 7117 and 7119 re county licenses for solicitors.....	418
148 : Series F-326 (H. B. 673)—Repealing §§ 3 and 4 of J. R. 14 S. L. 1935 re appointment of commission to present to Congress of United States resolution respecting issuance of certificates of citizenship.....	716

TABLE OF CONTENTS

Act	Page
149 : Series C-208 (H. B. 679)—Amending § 8661 re investments of trust companies.....	514
150 : Series F-282 (H. B. 707)—Appropriation for department of institutions	679
151 : Series A-109 (H. B. 725)—Amending §§ 5151, 5154 and 5166 re taxation of real property.....	267-270
152 : Series B-148 (H. B. 986)—Amending §§ 6421-6428.01 and § 6081 re establishing Kauai county waterworks board, defining its powers and duties and providing for its financing.....	362-369
153 : Series B-142 (H. B. 1030)—Amending § 6405.04 re Hawaii board of water supply.....	352
154 : Series A-21 (H. B. 1056)—Amending § 600 and repealing § 600.01 re loyalty oath of government officers and employees	97-98
155 : Series F-323 (S. B. 77)—Amending §§ 67, 74 and 77 re civil service	713
156 : Series A-28 (S. B. 141)—New § 718.01 re beneficiaries of employees' retirement system.....	106-107
157 : Series A-58 (S. B. 495)—Amending §§ 2401, 2401.02, 2403, 2409-2413, 2416, 2417, 2424, 2424.01, 2425, 2430, 2438-2440, 2442, 2443 and repealing §§ 2407, 2421 and 2432 re Hansen's disease and powers and duties of board of health	166-170
158 : Series A-25 (S. B. 521)—Amending § 708 re employees' retirement system	103
159 : Series B-144 (S. B. 533)—Amending § 6405.13 re board of water supply, Hawaii County; requiring public hearings and publication of notices for fixing and adjusting rates and charges.....	354-355
160 : Series E-255 (H. B. 1107)—Amending Act 115 (F-217) re Hawaiian statehood commission.....	637-638
161 : Series A-122 (H. B. 53)—Amending Title 14, §§ 5475, 5385, new §§ 5360, 5542, re creation of a lien on land for unpaid taxes, penalties and interest.....	298-299
162 : Series A-126 (H. B. 222)—Amending §§ 5705, 5708-5711, 7341, 7347 re motor vehicles.....	311-314
163 : Series A-40 (H. B. 259)—New § 1511 re powers of attorney general	132
164 : Series A-110 (H. B. 287)—Amending § 5146 re records of assessed valuations of real property.....	270-271
165 : Series A-121 (H. B. 729)—Amending chap. 101 re general excise tax by amending §§ 5449, 5451, 5455.02, 5461 and 5478 and adding new §§ 5451.01 and 5476.01 re administration and collection of tax.....	292-297
166 : Series A-123 (H. B. 732)—Amending §§ 5501, 5502, 5506, 5508, 5511, 5516, 5524 re income taxes.....	299-306
167 : Series D-224 (H. B. 763)—New § 9757.01 re attorneys' fees in probate proceedings.....	562
168 : Series C-172 (H. B. 816)—Amending §§ 7301, 7336, 7340.01 re registration of vehicles.....	427-429
169 : Series A-96 (H. B. 875) — Amending § 4834 re public assistance to blind.....	246

TABLE OF CONTENTS

Act	Page
170 : Series D-223 (H. B. 898)—Amending § 9757 re fees and expenses of executors, administrators, trustees and guardians	559-562
171 : Series B-143 (H. B. 987)—Amending Act 86 (B-185) S. L. 1949, §§ 6405.04, 6405.09 and 6081, new 6405.09-A, re board of water supply, Hawaii County.....	353-354
172 : Series A-111 (H. B. 1078)—Amending § 5151 re highway improvement assessment and real property tax exemptions	271-272
173 : Series A-60 (H. B. 166)—Amending § 2503 re board of medical examiners and qualifications for examination for license to practice medicine.....	173-174
174 : Series A-51 (H. B. 482)—New §§ 1977-1979 re establishing school of nursing at University of Hawaii, its functions, and appropriation.....	154-155
175 : Series E-257 (H. B. 977)—Re operation and maintenance of fire boats.....	642-643
176 : Series C-203 (H. B. 1025)—Amending §§ 8461, 8504, 8505 re insurance	482-483
177 : Series A-15 (H. B. 1057)—New §§ 456.01-456.03 re providing for vacating office of any public officer and terminating employment of any public employee who refuses to give testimony concerning certain matters	70-72
178 : Series A-49 (H. B. 182)—Amending § 1943 re University of Hawaii and powers of board of regents.....	153
179 : Series F-290 (H. B. 185)—Providing for establishment and improvement of veterans' cemeteries.....	686
180 : Series A-84 (S. B. 101)—Amending § 4352 defining terms used in Hawaii wage and hour law.....	227
181 : Series A-55 (S. B. 193)—Amending § 2015 re authority of board of health to make regulations for public health and safety	159
182 : Series E-266 (S. B. 196)—Amending Act 251 S. L. 1941 re Kauai County bonds for public improvements.....	653
183 : Series C-178 (S. B. 202)—Amending § 7405 re security required under motor vehicle safety responsibility act	447
184 : Series C-180 (S. B. 203)—Amending § 7428.04 re applicability of motor vehicle safety responsibility act to publicly owned motor vehicles.....	449
185 : Series C-179 (S. B. 209)—Amending § 7417 re proof of financial responsibility required when operator's license becomes subject to revocation or suspension	447-448
186 : Series C-163 (S. B. 229)—Amending § 7031 re auctioneer's charges	416-417
187 : Series A-119 (S. B. 239)—Amending §§ 5401 and 5404 re fuel taxes.....	284-285
188 : Series D-233 (S. B. 260)—Amending § 11674 re sex offenses	575

TABLE OF CONTENTS

Act	Page
189 : Series E-272 (S. B. 280)—Amending Act 8 (E-220) S. L. 1945 re reimbursement of general fund on account of interest and sinking fund charges on cancelled term bonds	660-661
190 : Series A-48 (S. B. 308)—Amending chap. 33, §§ 1915-1927 re county public libraries.....	146-152
191 : Series A-80 (S. B. 337)—Amending §§ 4208, 4212 and 4246 re employment security.....	219-221
192 : Series D-222 (S. B. 343)—Amending § 9722 re appointment and compensation of temporary clerks of court	558
193 : Series A-23 (S. B. 405)—Amending § 704.01 re extending service credit in employees' retirement system to certain members for periods of employment by legislature	101
194 : Series A-86 (S. B. 418)—Amending § 4409 re rights and remedies granted to an employee by workmen's compensation law	229-230
195 : Series A-79 (S. B. 420)—Amending §§ 4202, 4208, 4216, 4231, 4250, 4251, 4252, 4269, 4270, 4288, and repealing §§ 4255 and 4256 re employment security.....	213-218
196 : Series C-162 (S. B. 423)—Amending 7019, 7024 re public auctions and new § 7024.1 re suits to enjoin violation of law and actions for damages.....	415-416
197 : Series A-81 (S. B. 428)—Amending §§ 4218-4225 re employment security	221-223
198 : Series C-186 (S. B. 434)—Amending chap. 152 by adding new subtitle relating to conversion, merger or consolidation of national banks and territorial banks to be known as "Bank Merger Act," new §§ 8146-8156 and amending § 8029.....	461-466
199 : Series D-228 (S. B. 448)—New §§ 9869.01-9869.03 re taking depositions in this territory to be used in any foreign jurisdiction	565-566
200 : Series D-242 (S. B. 458)—Amending § 12721 re description of land shown on file plans filed in bureau of conveyances	592-593
201 : Series A-62 (S. B. 450)—Amending §§ 2854, 2855 and 2859 re practice of osteopathy in territory, powers and duties of board of osteopathic examiners and amending chap. 54 re osteopathy.....	177-178
202 : Series C-215 (S. B. 462)—Amending § 8871 with respect to mortgage liens.....	525
203 : Series B-136 (S. B. 491)—New § 6333 re salaries of employees of fire departments of counties of Hawaii, Maui and Kauai.....	342
204 : Series E-262 (H. B. 518)—Authorizing issuance of bonds for flood control projects.....	647
205 : Series B-160 (H. B. 522)—New § 6590.01 re City and County of Honolulu, authorizing board of supervisors to make temporary transfers or loans of moneys in excess of amounts necessary for immediate requirements to a bond loan fund and creating said fund.....	411

TABLE OF CONTENTS

Act	Page
206 : Series C-175 (H. B. 561)—Amending § 7322 re records of convictions of traffic violations.....	430
207 : Series F-286 (S. B. 492)—Making appropriation for public works	683
208 : Series B-152 (S. B. 515)—New §§ 6487.01-6487.08 re public parks, playgrounds and recreation in Maui County and repealing all laws, ordinances, rules and regulations in conflict with this act.....	397-400
209 : Series A-78 (S. B. 519)—New §§ 4181.01-4181.10 re providing for preservation and promotion of public health, safety and welfare in the event territorial emergencies resulting from disruptions of service in stevedoring industry, providing for seizure and operation of plant and facilities, including related facilities of stevedoring companies by government during such emergencies, making appropriations and providing other funds for such government operations, prohibiting interference with government operations and providing penalties and remedies, and repealing Acts 2 (A-15), 3 (F-65) and 62 (F-66) Sp. L. 1949.....	205-213
210 : Series F-291 (S. B. 527)—Providing for repair of and purchase of equipment, furniture and fixtures for Washington Place, and making appropriation.....	686-687
211 : Series F-303 (S. B. 530)—Abolishing revolving fund for purchase of surplus property from federal government	699
212 : Series A-68 (S. B. 534)—Amending § 3842 re industrial and reformatory schools.....	190-191
213 : Series A-92 (S. B. 535)—Amending § 4702 re increasing compensation of members of public utilities commission	240-241
214 : Series F-302 (S. B. 538)—Amending Act 61 S. L. 1941 re appropriation for filling of certain territorial lands situate at Kapalama-kai under control of commissioner of public lands.....	699
215 : Series B-161 (S. B. 544)—Amending § 6774 re income from operation of parks, playgrounds and recreational facilities	413-414
216 : Series D-238 (S. B. 566)—New §§ 12256.01-12256.18 re providing for uniform reciprocal enforcement of support	582-586
217 : Series A-37 (H. B. 8)—Amending §§ 1314.01 and 1314.03 re powers and functions of industrial research advisory council, amending Act 122 (A-43) S. L. 1949 and making appropriation.....	122-125
218 : Series E-258 (S. B. 572)—Providing for disaster relief during any period in which Act 320 (E-305) S. L. 1949 shall not be in effect.....	643-644
219 : Series A-73 (S. B. 576)—Amending § 4021 re temporary care and custody of mentally ill persons and procedure with respect to custody and care of such persons	195

TABLE OF CONTENTS

Act	Page
220 : Series B-134 (H. B. 68)—Amending title 17, re govern- ments of counties of Hawaii, Kauai, and Maui, by amending § 6235 with respect to advertisements of bills and resolutions, and amendments or ordi- nances; and by adding new § 6272.1 prohibiting private practice by county attorneys and their deputies during office hours.....	338-339
221 : Series B-137 (H. B. 109)—Amending §§ 6352, 6411 and 6451 re salaries of officers of counties of Hawaii, Kauai and Maui; and providing for fixing of salaries of appointive heads of departments and salaries of deputies and assistants of departments whose heads are elected or appointed in said counties.....	343-344
222 : Series A-125 (H. B. 251)—Amending §§ 5704, 5706 and 5707 re vehicle weight tax.....	308-310
223 : Series C-170 (H. B. 560)—Amending §§ 7221, 7222, 7225, 7244, 7245, 7256, 7266, 7274 and 7281, repealing 7273, and new §§ 7245.01 and 7250.01 re intoxicating liquor	423-426
224 : Series A-41 (H. B. 728)—Amending §§ 1575, 5219, 5535 and 10482 re disputed territorial claims, including disputed taxes and other moneys representing claims in favor of territory.....	133-135
225 : Series A-117 (H. B. 731)—Amending §§ 5371, 5372, 5378 and 5387 re taxation; new § 5379.01 re providing for collection of consumption tax by sellers, the duties and liabilities of sellers and penal offenses connected therewith	279-283
226 : Series A-94 (H. B. 876)—Amending § 4825 re protection of records and confidential information of public welfare cases	243-244
227 : Series A-9 (H. B. 945)—Amending § 351 re expenditure of public money.....	62
228 : Series B-138 (H. B. 1004)—Amending § 6377 re creating position of second assistant engineer for Hawaii County	345
229 : Series B-139 (H. B. 1005)—Amending § 6378 re public works, Hawaii County.....	346
230 : Series A-61 (H. B. 1067)—Amending §§ 2805 and 2809 re practice of optometry.....	176-177
231 : Series A-13 (S. B. 4)—New §§ 361.01-361.03 re hours of work of per diem employees of various counties and authorizing counties to provide per diem employees with work on Saturday when the total number of hours of work between Monday and Friday do not total forty	67
232 : Series F-321 (S. B. 25)—Amending Act 146 (A-109) S. L. 1949 re labor disputes in public utilities.....	712
233 : Series B-135 (S. B. 31)—Amending chap. 122A and Act 212 (B-106) S. L. 1947 re police departments, counties of Hawaii, Maui and Kauai, § 6305.....	339-342
234 : Series E-271 (S. B. 68)—Amending Act 401 (E-325) S. L. 1949 re appropriations for public improvements and providing for issuance of public improvement bonds	660

TABLE OF CONTENTS

Act	Page
235 : Series F-281 (S. B. 457)—Repealing § 3 of Act 362 (F-343) S. L. 1949 re Hawaii housing authority.....	679
236 : Series F-280 (S. B. 514)—Authorizing Hawaii housing authority to expend for housing purposes covered by Act 326 (A-2) S. L. 1949, \$600,000.00 of moneys appropriated by Act 338 (A-98) S. L. 1949.....	678
237 : Series C-176 (S. B. 558)—New §§ 7349-7351 providing for appeals from decisions of a county treasurer in cases involving registration of motor vehicles.....	431-432
238 : Series F-176 (S. B. 577)—Authorizing farm loan board of Hawaii to make loans not exceeding one thousand dollars for relief of farmers at Waimanalo, Kailua and Kaneohe, Oahu.....	704
239 : Series A-107 (S. B. 578)—Amending § 4996 re board of harbor commissioners, new § 4998.02 creating fund for small boat harbor maintenance and operation.....	260-261
240 : Series E-261 (S. B. 579)—Reappropriating moneys heretofore appropriated by Act 55 Sp. S. L. 1949 for development of an irrigation and water utilization project in Waimea, Hawaii.....	646
241 : Series C-206 (H. B. 1024)—New §§ 8546.07 defining uniform individual accident and sickness policy provisions	488-503
242 : Series F-299 (H. B. 1097)—Making available appropriation for claim of E. L. Wung and others relating to parcel of land described in L. C. A. 9249-C. R. P. 7098 to Kuapalahalaha.....	694-695
243 : Series B-157 (H. B. 1008)—Amending § 6548 re salaries of certain officers of City and County of Honolulu....	404
244 : Series B-133 (S. B. 136)—Amending chap. 121.01 as enacted by Act 379 (B-175) S. L. 1949 by amending §§ 6195.03-6195.06, 6195.10, 6195.16, 6195.17, 6195.21 and 6195.24 re urban redevelopment; authorizing redevelopment agencies to acquire undeveloped, vacant areas in connection with redevelopment of blighted areas, exercise the power of eminent domain, issue bonds and other obligations, and give security therefor, and enter into agreements to secure financial aid or contributions; and authorizing counties to issue and sell bonds for purpose of donating funds to redevelopment agency.....	324-338
245 : Series A-29 (S. B. 382)—New §§ 718.02-718.04 re contributions payable by Territory of Hawaii to employees' retirement system.....	107-108
246 : Series C-205 (S. B. 549)—Amending § 8541.01 re additional classification eligible for group life insurance..	486-487
247 : Series F-279 (H. B. 4)—Providing monthly twenty-five dollar bonus for pensioners and appropriating funds for payment thereof.....	677-678
248 : Series F-288 (H. B. 777)—Making appropriation for oil portrait of Honorable Ingram M. Stainback.....	684-685
249 : Series A-76 (S. B. 551)—Amending §§ 4150.04, 4150.05, and 4150.09 re Hawaii employment relations act.....	198-200

TABLE OF CONTENTS

Act	Page
250 : Series A-113 (S. B. 20)—Amending §§ 5252 and 5254 re County of Maui; including property taxes and budget of Maui County.....	273-274
251 : Series A-114 (H. B. 27)—New § 5261 re disposition of funds received from rental of government property purchased by moneys from territorial highway fund	275
252 : Series C-167 (H. B. 530)—Amending § 7134 re drivers' badges	419
253 : Series C-169 (H. B. 541)—Amending § 7186 re ownership or possession of firearms or ammunition by persons convicted of certain crimes and providing penalty....	422
254 : Series C-173 (H. B. 655)—Amending § 7305 re chauffeurs and operators of motor vehicles.....	429
255 : Series E-264 (H. B. 971)—Authorizing board of supervisors of City and County of Honolulu to issue bonds in sum of \$1,600,000.00 for completion and development of certain existing public parks and playgrounds, and for acquisition, construction and improvement of new public parks and playgrounds.....	649-651
256 : Series A-20 (H. B. 1054)—New §§ 580.01-580.27 re loyalty of public officers, public employees and persons deriving any compensation out of public funds, creating the territorial loyalty board and defining its powers, duties and functions, conferring and imposing further powers, functions and duties on commission of subversive activities and on civil service commission, prescribing offenses, providing penalties, and making an appropriation.....	85-97
257 : Series D-237 (S. B. 536)—Amending § 12251 re desertion and failure, neglect, or refusal to provide for support of wife or children.....	581-582
258 : Series A-115 (S. B. 401)—Amending § 5312 re bank excise tax	275-276
259 : Series A-103 (H. B. 956)—Amending § 4874 re workshops for blind, by providing for workmen's compensation for blind workmen.....	254
260 : Series F-287 (S. B. 391)—Making appropriation for survey and opening up of public lands for lease or for sale and providing for disposition of proceeds of such lease or sale.....	684
261 : Series B-158 (S. B. 444)—Amending § 6550 and repealing 6551 re Honolulu police department.....	405-407
262 : Series A-19 (H. B. 9)—New §§ 556, 557, 559-562, 719-721 re rights and privileges of officers and employees of Territory or of any county or political subdivision thereof during period of emergency set forth herein or while on active duty with armed forces of United States	77-84
263 : Series A-5 (S. B. 109)—Amending § 227 re absentee voters	49-50

TABLE OF CONTENTS

Act	Page
264 : Series A-129 (S. B. 471)—Amending § 5874, new §§ 5875, 5876, and repealing §§ 483-496 re protection of government property, personnel and operations, providing for survey of hazards, making an appropriation therefor, providing for insurance and self-insurance and amending provisions respecting territorial insurance fund and bonds of public officers and employees	318-320
265 : Series E-263 (H. B. 1034)—Authorizing board of supervisors of City and County of Honolulu to issue general obligation bonds in sum of \$6,000,000.00 for construction of Kalihi tunnel and its approach roads	648-649
266 : Series C-181 (H. B. 1031)—Amending §§ 7472, 7474, 7476, new § 7475.01 re weights and measures, defining powers and duties of enforcing officers, increasing number of deputy sheriffs of City and County of Honolulu, providing penalties and amending § 6627....	449-452
267 : Series A-46 (H. B. 186)—New § 1755.01 requiring employment of cafeteria managers in public instruction to be under chap. 2 of R. L. 1945, and on 12-month basis for each year and prorating present salaries, which are based on provisions of chap. 3, and any bonus, into 12 equal monthly installments.....	144-145
268 : Series E-253 (S. B. 573)—New §§ 13167-13198 re existing national emergency; providing for public peace, health, safety and welfare and for common defense during such emergency; providing for preparation for and functioning in respect of attacks (including sabotage or any hostile action during such emergency, and for other measures having to do with shortages during such emergency and maintenance of strength, resources and economic life of territory and its inhabitants during such emergency; providing for emergency organization of government and suspension of laws; providing duties and powers of governor and political subdivisions; providing for certain transactions; authorizing charges to be made; authorizing governor to exercise certain powers over persons and property, to prescribe rules and regulations, and to delegate powers; prescribing rights and immunities; authorizing cooperation and agreements with federal government, state governments and other governments and agencies; providing penalties and other means of enforcement; and making and authorizing appropriations and expenditures	606-636
269 : Series C-194 (H. B. 384)—Amending § 8227 re funds of foreign building and loan associations.....	472
270 : Series D-235 (H. B. 766)—Amending § 12179 re revocation of wills.....	579
271 : Series B-147 (H. B. 798)—Amending §§ 6233, 12644 and 12720, new §§ 6417.01-6417.11 re control of subdivisions of land within county of Kauai.....	357-362
272 : Series D-219 (S. B. 129)—Amending § 9501 re appeals to territorial circuit courts.....	554-555

TABLE OF CONTENTS

Act	Page
273 : Series F-312 (S. B. 166)—Appropriating money to reimburse City and County of Honolulu for cost of sewer improvements in improvement district no. 63 (Kaimuki-West sewerage, section 1) and no. 73 (Kaimuki-West sewerage, section 2).....	705
274 : Series F-313 (S. B. 167)—Appropriating sum of \$2,916.84 to reimburse City and County of Honolulu for moneys expended for extension of secondary sewer facilities to grounds of University of Hawaii.....	706
275 : Series F-314 (S. B. 168)—Appropriating sum of \$40,379.32 to reimburse City and County of Honolulu for cost of improvements in frontage improvement no. 75—Ala Wai Blvd., Kalakaua Ave. to Ala Moana, in Kalia, Waikiki, job no. 24-50, in Honolulu.....	706-707
276 : Series F-315 (S. B. 173)—Appropriating sum of \$14,599.59 to reimburse City and County of Honolulu for cost of constructing improvements in improvement district no. 71, Leahi Farms in Honolulu.....	707
277 : Series F-316 (S. B. 179)—Appropriating sum of \$27,201.68 to reimburse City and County of Honolulu for cost of sewerage improvements in improvement district no. 67 (Date-Kapahulu sewerage, sec. no. 1).....	708
278 : Series D-221 (S. B. 192)—Amending § 9675 re judgments of district magistrates.....	557-558
279 : Series A-16 (S. B. 216)—Amending § 466 re rules and regulations of officers, boards, commissions and other governmental agencies.....	72-74
280 : Series C-171 (S. B. 266)—Amending § 7276 re appeals from liquor commissions.....	426-427
281 : Series C-183 (S. B. 345)—Amending § 7676 re notary fees	455
282 : Series D-225 (S. B. 346)—Amending § 9779 re salaries of district magistrates in Hawaii county.....	563
283 : Series A-91 (S. B. 374)—New §§ 4691-4695 re surveyor of Territory	239-240
284 : Series F-320 (S. B. 404)—Providing temporary exemptions from general excise tax and liquor tax.....	710-711
285 : Series F-308 (S. B. 426)—Making appropriation for purchase and installation of water main from Kamuela, Waimea, to Kawaihae, in Hawaii county.....	702
286 : Series C-209 (S. B. 443)—Amending § 8661 re investments of trust companies.....	514-516
287 : Series D-236 (S. B. 485)—Amending §§ 12210, 12217, 12218, 12222 and 12223 re annulment, divorce and separation	579-581
288 : Series E-265 (S. B. 487)—Authorizing board of supervisors of City and County of Honolulu to issue bonds for acquisition of real property for public school purposes, and for construction and replacement of buildings for public school purposes.....	651-653
289 : Series A-14 (S. B. 510)—New §§ 405-410 re federal surplus property and aid available to territory, charging director of bureau of budget and attorney general with certain duties and authority in respect thereof and making appropriation therefor.....	68-69

TABLE OF CONTENTS

Act	Page
290 : Series B-150 (H. B. 577)—New §§ 6448.01-6448.38 providing for acquisition, construction, establishment and improvement of certain highway improvements, and drainage, sanitary sewerage, light and water systems, and other public improvements, by special assessment, in Kauai county and providing for financing same by issuance of improvement district bonds and other means.....	375-395
291 : Series A-102 (H. B. 157)—Amending § 4863 requiring recipients of general assistance to work on public work projects as condition of receiving aid.....	252-253
292 : Series A-52 (H. B. 661)—Amending § 2001 re board of health	156-157
293 : Series C-187 (H. B. 682)—Amending §§ 8171, 8212 and 8216 of chap. 153 re building and loan associations....	466-467
294 : Series C-201 (H. B. 855)—Amending § 8391 re foreign corporations	477-480
295 : Series D-246 (H. B. 947)—New chap. 311-A, § 12800 re registration of judgments of federal courts.....	595-596
296 : Series A-85 (H. B. 1014)—Amending §§ 4383-4385 re payment of wages.....	227-228
297 : Series C-204 (H. B. 1026)—Amending §§ 8502, 8504 and 8506 re insurance.....	484-485
298 : Series C-207 (H. B. 1027)—New §§ 8553.01-8553.14 re unfair methods of competition and unfair and deceptive acts and practices in the insurance business.....	503-513
299 : Series F-306 (H. B. 1096)—Relating to governmental office buildings in Hawaii county and providing for construction and financing thereof.....	701
300 : Series F-293 (H. B. 250)—Providing appropriations for relief of certain persons, firms and corporations on account of overpayment of taxes and other claims against territory	687-690
301 : Series A-1 (H. B. 1139)—Amending § 2 re promulgation of laws enacted by legislature.....	1-2
302 : Series A-120 (H. B. 25)—Amending §§ 5260 and 5404, Act 196 (A-83) S. L. 1947, Act 373 (A-154) S. L. 1949 and repealing Act 67 (F-325) S. L. 1951 re fuel taxes and disposition thereof.....	286-292
303 : Series D-231 (H. B. 342)—Amending § 11322 re fraudulent commercial paper.....	572-573
304 : Series C-168 (H. B. 430)—Amending §§ 7183 and 7184 new 7183.01 re firearms and possession, transfer and registration thereof and providing penalties.....	419-422
305 : Series F-322 (H. B. 752)—Authorizing president of board of health to appoint field nutritionist for rural Oahu..	712
306 : Series D-234 (H. B. 914)—Amending § 12073 re descent of property	577-578
307 : Series C-182 (H. B. 980)—Amending §§ 7552, 7553, 7556-7558, 7560, 7562 and 7579 re boxing contests in territory	452-455
308 : Series A-6 (H. B. 1079)—Amending § 247 re elections.....	50-51

TABLE OF CONTENTS

Act	Page
309 : Series A-4 (H. B. 1080)—Amending § 200.01 re voting booths or units.....	48
310 : Series A-7 (H. B. 1081)—Amending § 284 re elections.....	51
311 : Series F-300 (H. B. 818)—Relating to taxation, providing for remission, refunding, or crediting of taxes on certain real properties damaged or destroyed by flood and for deduction in computing income taxes of amount of flood loss not compensated by insurance or otherwise	695-697
312 : Series F-296 (H. B. 897)—For relief of Kotohira Jinsha, a religious corporation.....	692
313 : Series C-174 (H. B. 348)—Amending § 7313 re chauffeur's and operator's licenses.....	430
314 : Series F-301 (H. B. 372)—Relating to territorial prisons..	697-698
315 : Series F-285 (H. B. 485)—Establishing "scholarship fund for graduate nurses" making appropriation therefor and prescribing powers and duties of board for licensing of nurses.....	682-683
316 : Series D-232 (H. B. 542)—New § 11441 re defining crime of larceny from the person and providing penalty.....	573
317 : Series B-159 (H. B. 1007)—Amending § 6552 and repealing § 6553 re salaries of officers and members of Honolulu fire department.....	408-410
318 : Series F-274 (H. B. 48)—Making appropriations for biennial period ending June 30, 1953.....	662-673
319 : Series A-2 (H. B. 179)—Amending chaps. 2, 3 and 11, §§ 61-81, 101-103, 105, 117, 119, 123, 451, new §§ 82-89 and 111.03 re public officers and employees concerning civil service classification, compensation, qualifications and organizations of such personnel.....	2-27
320 : Series A-3 (H. B. 151)—Amending §§ 101-136 re classification, compensation, recruitment, appointment, employment, efficiency ratings and appeals of public employees and providing for surveys relating to the classification and compensation of public employees and making appropriations therefor.....	28-47
321 : Series E-268 (H. B. 1)—Making appropriations for public improvements and providing for issuance of public improvement bonds	654-659
322 : Series F-278 (H. B. 5)—Relating to compensation of public officers and employees and making appropriation therefor	676-677
323 : Series A-112 (H. B. 255)—Amending § 5151 re real property tax exemptions.....	272-273
324 : Series F-294 (H. B. 434)—Authorizing director of institutions to settle claims of certain employees of Oahu Prison for services rendered.....	690-691
325 : Series A-45 (H. B. 547)—Amending §§ 1755, 1758-1763 and repealing §§ 1758.01, 1764-1766 re salaries of teachers, principals and other officers and employees of public instruction	139-144
326 : Series A-17 (H. B. 177)—Amending § 550 re vacations of public officers and employees.....	74-75

1951

JOINT RESOLUTIONS

Joint Resolution	Page
1 : (S.J.R. 3)—Extending time for payment of 1951 motor vehicle weight taxes.....	716
2 : (S.J.R. 24)—Requesting Congress to enact legislation requiring federal departments to withhold territorial taxes upon compensation on same basis as territorial departments and political subdivisions of the Territory	717-719
3 : (H.J.R. 44)—Giving hospital building at Waimano Home the official name of Charles Bernard Lambert Hospital	719-720
4 : (S.J.R. 4)—Requesting Congress to ratify and confirm Act 291, L. 1949.....	720-721
5 : (S.J.R. 21)—Providing for remission of certain real property taxes	721
6 : (S.J.R. 31)—Requesting United States immigration and naturalization service to establish branch office in Hilo	722
7 : (S.J.R. 43)—Directing transfer of certain unencumbered and unexpended balances of appropriations for public improvements in city and county of Honolulu to general fund of city and county of Honolulu.....	723
8 : (H.J.R. 32)—Requesting Congress to withdraw and restore to its previous status under control of Territory certain Hawaiian homes lands required for use by board of water supply of city and county of Honolulu for a water shaft, pump station and tunnel, and to amend § 203 of Hawaiian Homes Commission Act, 1920, so as to place certain lands of Auwahiolu, Kewalo-uka and Kalawahine on Oahu, under the operation of said Act and to confer thereon the status of Hawaiian homes lands.....	724-729
9 : (S.J.R. 1)—Requesting Congress to ratify and confirm Act 7 of L. 1951, amending chap. 118, R. L. 1945, relating to revenue bonds.....	729
10 : (H.J.R. 16)—Requesting Congress to amend § 73 of Hawaiian Organic Act to permit sales of government lands where in the public interest.....	729-730
11 : (H.J.R. 11)—For relief of Edward C. Searle, requesting Congress to authorize and direct the commissioner of public lands to issue a right of purchase lease on homestead land at Ninole-Wailau, Kau, Hawaii.....	730-732
12 : (H.J.R. 12)—Requesting Congress to amend the Organic Act so as to permit territorial legislators to be eligible for appointment to judicial offices and office of attorney general.....	732-733

JOINT RESOLUTIONS

Joint Resolution	Page
13 : (H.J.R. 13)—Exempting from taxation gross income of and privilege of engaging in business of transportation of property only by air within Territory, and exempting such business from airport landing fees and rentals	733-734
14 : (H.J.R. 14)—Requesting Congress to pass legislation enabling Hawaiian homes commission to exchange available lands as designated by Hawaiian Homes Commission Act, 1920, for public or private lands.....	735-736
15 : (H.J.R. 59)—Requesting Congress to ratify and confirm Act 265 of L. 1951, authorizing board of supervisors of city and county of Honolulu to issue general obligation bonds in sum of \$6,000,000.00 for construction of Kalihi Tunnel and its approach roads.....	735-736
16 : (H.J.R. 33)—Requesting Congress to amend §§ 213 (b), 213 (c) and 215 of title II of Hawaiian Homes Commission Act, 1920, as amended.....	736-737
17 : (H.J.R. 53)—Authorizing conveyance to United States of a portion of lands of the University of Hawaii.....	738-739
18 : (H.J.R. 9)—Creating commission on nursing education and nursing services, and making an appropriation therefor	739-740
19 : (H.J.R. 19)—Requesting Congress to amend Hawaiian Organic Act to permit sale of lands to farmers qualified for Bankhead-Jones Act loans.....	740-741
20 : (H.J.R. 55)—Memorializing Congress to authorize issuance of public improvement bonds by Maui county without regard to limitations imposed by Hawaiian Organic Act	741-742
21 : (H.J.R. 65)—Making appropriation for establishment of facilities for units of reserve officers' training corps (junior division) in high schools in counties of Hawaii, Kauai and Maui, and authorizing and directing commissioners of public instruction to apply for establishment of such units.....	742-743
22 : (H.J.R. 37)—Requesting Congress to amend Hawaiian Homes Commission Act, 1920, as amended, by amending first sentence of § 202 (a) re membership on Hawaiian homes commission.....	743-745
23 : (H.J.R. 45)—Requesting Congress to ratify and confirm Act 204 of L. 1951 authorizing issuance of bonds for flood control projects.....	745
24 : (S.J.R. 8)—Memorializing Congress to enact legislation to remove discrimination against women in matter of jury service in Territory.....	746
25 : (S.J.R. 10)—Suspending laws and ordinances relating to construction and maintenance of certain structures within Iolani Palace grounds.....	746-747
26 : (S.J.R. 18)—Requesting Congress to eliminate taxes upon passenger transportation between several islands comprising Territory	747

JOINT RESOLUTIONS

Joint Resolution	Page
27 : (S.J.R. 32)—Authorizing Maui county waterworks board to reimburse Tony G. Duarte for not more than \$925.00 for wreckage of his automobile while on duty	748
28 : (S.J.R. 37)—For relief of Frank R. Sommerfeld.....	748-749
29 : (S.J.R. 41)—Memorializing Congress to enact necessary legislation granting federal aid to city and county of Honolulu for construction of Koolau Tunnel project through Kalihi Valley.....	749-750
30 : (S.J.R. 47)—Relating to Hawaii wing of civil air patrol and making appropriation from airport revenue fund in territorial treasury and providing for its expenditure	751-753
31 : (S.J.R. 48)—Relating to training and care of exceptional children by department of public instruction.....	753-754
32 : (S.J.R. 49)—Authorizing department of health to co-operate with department of public instruction in providing physiotherapy and occupational therapy for exceptional children.....	754-755
33 : (S.J.R. 54)—Requesting Congress to enact legislation permitting any municipality in Territory to borrow money pursuant to chap. 118 of R. L. 1945 as same has been or in future may be amended by legislature of Territory and within such periods of time as legislature may determine.....	755-756
34 : (S.J.R. 60)—Refunding certain fees.....	756
35 : (H.J.R. 30)—Providing for improvement of water supply system at Kihei, Maui, and making an appropriation therefor by way of advancement from general fund of Territory to be repaid out of proceeds of sales of public lands.....	756-757
36 : (H.J.R. 60)—Requesting Congress to enact a bill enabling legislature to authorize board of supervisors of city and county of Honolulu to issue bonds for completion of, improvements to, and development of certain existing public parks and playgrounds and for acquisition, construction and improvement of new public parks and playgrounds in city and county of Honolulu.....	757-759
37 : (S.J.R. 62)—Relating to Pacific war memorial commission, and making an appropriation.....	759-760

1951

LAWS OF THE TERRITORY OF HAWAII PASSED AT THE TWENTY-SIXTH REGULAR SESSION OF THE LEGISLATURE

Acts arranged in sequence with Parts A-E of the Revised Laws of Hawaii 1945; all additions, notes and brackets [] added by the Secretary of Hawaii under authority of R. L. 1945, s. 2 and of S. L. 1945, J. R. 4.

Title 1: GENERAL LAWS.

Chapter 1. COMMON LAW, STATUTES, DEPOSITARIES.

Series A-1: ACT 301

An Act to Amend Section 2 of the Revised Laws of Hawaii 1945, Relating to the Promulgation of Laws Enacted by the Legislature.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 2 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 2. Laws published. The secretary of the territory or any other officer or employee of the territory designated by the governor shall promulgate all the laws enacted by the legislature, except general or special appropriation Acts, loan fund Acts, pension Acts and franchise Acts, by publishing the same once in the English language in a newspaper of general circulation published daily in Honolulu in the English language. Any of such excepted Acts may, however, be published when the governor so directs. After such publication, the secretary or such other officer or employee so designated by the governor shall cause the same, together with all other laws duly enacted at any session of the legislature, to be printed, indexed and bound in book form. The index to any volume of the laws enacted at any regular session shall be cumulative and shall include an index of all laws enacted at every preceding regular or special session of the legislature since the publication of the last revision of the laws of the territory. Before publishing any act in book form, the secretary or such other

officer or employee so designated by the governor is directed to conform the style thereof as near as may be with that of the latest revision of the statute law of the territory. He is directed, before publishing them in book form, to classify all Acts by serial letters or numbers or both and to insert appropriate supplementary chapter and section numbers and headnotes together with section histories, wherever necessary to aid in placing amendments or new sections or chapters in an appropriate supplementary sequence with the latest revision of the laws; and such amendments, new sections and new chapters may be cited by reference to such supplementary chapter and section numbers of such latest revision." [L. 1901, c. 13, s. 1; R. L. 1925, s. 2; R. L. 1935, s. 2; am. L. 1943, c. 218, s. 1; R. L. 1945, s. 2; am. L. 1951, c. 301, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved June 12, 1951.) H.B. 1139, Act 301.

§ 14. **Number, gender.** Am. L. 1945, Act 233 [A-2], rewritten, p. 4.

§ 15. **"Or," "and."** Am. L. 1945, Act 233 [A-2], rewritten, p. 4.

§ 16. **"Person," etc.** Am. L. 1945, Act 233 [A-2], rewritten, p. 5.

§§ 20.01-.02 **Standard time.** NEW, L. 1947, Act 161 [A-1].

§ 21. **Holidays designated.** Am. L. 1945, J. R. 8; Am. L. 1949, J. R. 15 [A-1], rewritten, pp. 1, 2.

§ 31. **Duties of board** (of public archives). Am. L. 1945, Act 238 [A-3], rewritten, p. 5.

§ 35. **Commission created; term of office.** AM. L. 1949, Act 326 [A-2].

Chapter 2. CIVIL SERVICE LAW.*

Series A-2: ACT 319

An Act Relating to Public Officers and Employees, and Amending Chapters 2, 3 and 11 of the Revised Laws of Hawaii 1945, as Amended, Concerning Civil Service, Classification, Compensation, Qualifications and Organizations of Such Personnel.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 2 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended to read as follows:

"Sec. 61. Purpose of this chapter. It is hereby declared to be the purpose of this chapter to establish in the territory and in each of the counties a personnel system based

* For prior amendments to Chap. 2, see S. L. 1949, p. 3, Sp. S. L. 1949, Acts 5 [A-1], 45 [A-2]; S. L. 1951, Acts 155 [F-323], 262 [A-19].

on merit principles and scientific methods governing the appointment, promotion, transfer, lay-off, removal and discipline of public officers and employees. [L. 1939, c. 187, s. 1; R. L. 1945, s. 61; am. L. 1951, c. 319, pt. of s. 1.]

Sec. 62. Uniform interpretation. All questions requiring the construction or interpretation of any of the provisions of this chapter or of chapter 3 shall be submitted to the attorney general of the territory for his opinion. It shall be the duty of the attorney general to render his opinion upon such questions when requested by the head of any department of the territory or any county. [L. 1951, c. 319, pt. of s. 1.]

Sec. 63. Uniform administration. It is the intent of the legislature that civil service and classification in the territory and the several counties shall be as uniform as practicable. In order to promote such uniformity, the several commissions and personnel directors of the territorial and county departments of civil service shall meet not less frequently than once every six months at the call of the territorial civil service commission. [L. 1951, c. 319, pt. of s. 1.]

Sec. 64. Agreements between territorial and county departments. The several departments of civil service of the territory and the counties are hereby authorized to enter into agreements for the joint administration of such matters as may be practicable and consistent with the provisions of this chapter and chapter 3, including the conducting of examinations and other procedures for the establishment of eligible lists. All eligible lists established under such agreements shall be as fully effective as those established separately. [L. 1951, c. 319, pt. of s. 1.]

PART I

Civil Service for the Territory

Sec. 65. Definitions. As used in this subtitle, unless the context clearly requires otherwise:

- (a) 'Commission' means the civil service commission of the territory;
- (b) 'Director' means the personnel director whose position is established by section 70;
- (c) 'Territorial service' means all offices and other positions in the public service of the territory;
- (d) 'Department' includes any department, court, board, commission or agency of the territory;

(e) 'Appointing authority' means a person or department having power to make appointments or changes in status of employees in the territorial service;

(f) 'Classified service' includes all positions in the territorial service not exempted by the provisions of section 73;

(g) 'Class' or 'class of positions' means a group of positions in the classified service sufficiently alike in duties, authority and responsibilities that the same qualifications may reasonably be required for, and the same examination and the same schedule of pay can equitably be applied to, all positions in the group, and all positions in such group may be treated alike for all other purposes of personnel administration;

(h) 'Promotional examination' means an examination for positions in a particular class, admission to which is limited to regular employees in the classified service;

(i) 'Open-competitive examination' means an examination for positions in a particular class, admission to which is not limited to persons employed in the classified service;

(j) 'Open-competitive list' means a list of persons who have been found qualified by an open-competitive examination for appointment to a position in a particular class;

(k) 'Promotional list' means a list of persons who have been found qualified by a promotional examination for appointment to a position in a particular class;

(l) 'Reemployment list' means a list of persons who have been regular employees in a particular class and who are entitled to have their names certified for appointment to a position in that or a closely related class;

(m) 'Eligible list' means a list of persons who have been found qualified by an examination for appointment to a position in a particular class, such a list being either open-competitive, promotional or reemployment;

(n) 'Eligible' means a person whose name is on an active eligible list;

(o) 'Regular employee' means an employee who has been appointed to a position in the classified service in accordance with the provisions of this subtitle and has successfully completed his initial probation period;

(p) 'Initial probation period' means a period of not less than six months nor more than one year from the beginning of an employee's service in the classified service;

(q) 'New probation period' means any probation period other than that defined in paragraph (p);

(r) 'Position' means a group of current duties and responsibilities, assigned or delegated by competent authority,

requiring the full time employment of one person. [L. 1951, c. 319, pt. of s. 1.]

Sec. 66. Department of civil service. There is hereby created a department of civil service of the territory, which shall include a civil service commission of three members and a personnel director. [L. 1951, c. 319, pt. of s. 1.]

Sec. 67. Organization, compensation and meetings of the commission.

(a) The members of the commission shall be persons in sympathy with the application of merit principles to public employment. They shall be appointed by the governor in the manner prescribed by paragraph 1 of section 80 of the Organic Act and shall hold office for six years; **provided**, however, that of the members first appointed, one shall be appointed for a term of two years, one for a term of four years and one for a term of six years. The successors of the members initially appointed shall be appointed for a term ending six years from the date of the expiration of the term for which his predecessor was appointed, except that a person appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed for the remainder of such term. Each member shall serve until his successor has been appointed and qualified. Not more than two members of the commission shall belong to the same political party. The commission shall elect a chairman from its members annually. Any commissioner may be removed by the governor in the manner prescribed in paragraph 1 of section 80 of the Organic Act, or, without the advice and consent of the senate, upon conviction of any felony or misdemeanor involving moral turpitude, or for neglect of duty or malfeasance in office.

(b) Each member of the commission shall be paid compensation at the rate of ten dollars per day for each day's actual attendance at a meeting, but not to exceed, in the aggregate, one hundred dollars in any month and be reimbursed for his necessary traveling expenses incurred in the performance of his duties under this subtitle, **provided** that when any member shall be required to travel from any island to another island in the territory in the performance of such duties, he shall be allowed, in addition to his transportation fares, ten dollars a day to cover all other expenses.

(c) The commission shall meet at least once each month at such place as shall be made available for such purpose by the governor and at such times as may be designated in advance by the commission and at such other times as may be special-

ly designated by the chairman or the governor. All meetings of the commission shall be open to the public. Any two members shall constitute a quorum. The commission shall make an annual report to the governor not later than the 15th of February of each year. [L. 1951, c. 319, pt. of s. 1.]

Sec. 68. General powers and duties of commission. The commission shall have authority:

(a) To represent the public interest in the improvement of personnel administration in the classified service;

(b) To assist the director in fostering the interest of institutions of learning and civic, professional and employee organizations in the improvement of personnel standards in the classified service;

(c) To advise the governor on policies and problems concerning personnel administration;

(d) To make any investigation which it may consider desirable concerning the administration of personnel in the classified service, including any matter respecting the enforcement or effect of the provisions of this subtitle or the rules and regulations prescribed thereunder, or the action or failure to act of any officer or employee with respect thereto; and

(e) To hear and decide appeals from any action of the director under the provisions of this subtitle, as well as from dismissals, demotions and suspensions as hereinafter provided. The findings and decision of the commission shall be final on all appeals. [L. 1951, c. 319, pt. of s. 1.]

Sec. 69. Political activities prohibited. No person who occupies any elective or appointive office or other position under the territorial or county government shall be eligible for membership on, or be a member of, the commission and no member of the commission shall, during his term of office, serve as an officer or committee member of any political party organization, or present himself as a candidate or be a candidate for nomination or election to any public office at any election. The office of any member who shall violate any of the foregoing provisions shall be conclusively presumed to have been abandoned and vacated by reason thereof, and, upon so finding as a fact, the governor shall appoint a qualified person to fill such vacancy. The finding of the governor shall be conclusive in all actions and proceedings and upon all officers and courts. [L. 1951, c. 319, pt. of s. 1.]

Sec. 70. Personnel director. The commission shall appoint a personnel director who shall be the administrator, chief

examiner and secretary of the commission. At the time of his appointment, the director shall be thoroughly familiar with the principles and methods of personnel administration generally used by those in charge of employment work for large public or private employers. He shall be a person of good repute, competent, with actual experience in public or private personnel administration and shall be in sympathy with the application of merit principles and scientific methods to public personnel administration.

Within thirty days after the existence, for any reason, of a vacancy in the office of the director, the commission shall appoint a special examining committee of three persons to conduct an examination for the position. No person shall be appointed to such committee unless he shall have knowledge of, and be in sympathy with, the principles of a merit system in public or private personnel administration. Within thirty days after it is appointed, the examining committee shall hold a competitive examination in accordance with the provisions of this subtitle and on the basis of such examination, shall establish an eligible list of persons found qualified for appointment as director. The examining committee shall thereupon certify to the commission the names of those who have passed the examination and the commission shall select one of the persons standing among the highest five. The examining committee shall have the same powers and duties with respect to the conduct of the examination and establishment of the eligible list as are vested in or imposed upon the commission and director under the provisions of this subtitle with respect to other positions in the classified service. Every eligible list for director shall expire one year after it is established. [L. 1951, c. 319, pt. of s. 1.]

Sec. 71. Duties and powers of director. The director shall direct and supervise all the administrative and technical activities of the department of civil service, subject, however, to the direction and control of the commission. In addition to the duties imposed upon him elsewhere in this subtitle, it shall be his duty and authority:

(a) To attend all meetings of the commission and act as its secretary and keep minutes of its proceedings;

(b) To establish and maintain a roster of all persons in the classified service, in which shall be set forth, as to each, the class of position held, the salary or pay, any change in class, title, pay or status, and any other necessary data;

(c) To appoint, with the approval of the commission, such assistants and employees as may be necessary to assist him in the proper performance of his duties and for which appropriations shall have been made by the legislature,

which positions shall be subject to the provisions of this subtitle and chapter 3;

(d) To foster and develop, in cooperation with appointing authorities and others, programs for the improvement of employee efficiency, including in-service and supplementary training and grievance procedures;

(e) To encourage and exercise leadership in the development of effective personnel administration within the several departments in the classified service and to make available the facilities of the department of civil service to this end;

(f) To investigate from time to time the operation and effect of this subtitle and of the rules adopted thereunder and to report his findings and recommendations to the commission;

(g) To perform any other lawful acts deemed necessary or desirable to carry out the purposes and provisions of this subtitle.

The director shall designate an employee of the department of civil service as his deputy. In case of the absence of the director or his inability from any cause to discharge the powers and duties of his office, such powers and duties shall devolve upon his deputy. The director may select officers or employees in the territorial service to act as subject-matter consultants in the preparation and rating of examinations. An appointing authority may excuse any officer or employee in his department from his regular duties for the time required for his work as a subject-matter consultant. Officers and employees shall not be entitled to extra pay for services as such consultants but shall be entitled to reimbursement for necessary traveling and other expenses. [L. 1951, c. 319, pt. of s. 1.]

Sec. 72. Service to counties. Subject to the rules of the department of civil service, the director may enter into agreements with any county to furnish services and facilities of the territorial department of civil service to such county in the administration of civil service in such county. Any such agreement shall provide for the reimbursement to the territory of the reasonable cost of the services and facilities furnished, as determined by the director. All counties are hereby authorized to enter into such agreements. [L. 1951, c. 319, pt. of s. 1.]

Sec. 73. Classified service and exemptions. The classified service to which this subtitle shall apply shall comprise all positions in the territorial service now existing or hereafter established, except the following positions:

(a) Commissioned and enlisted personnel of the national guard of Hawaii as such, and positions in the national guard of Hawaii which are required by territorial or federal laws or regulations, or orders of the national guard, to be filled from such commissioned or enlisted personnel;

(b) Positions filled by persons employed by contract to render a special or temporary service for the territory where such contract is certified by the commission to be for a service which, from its nature and all other circumstances surrounding its fulfillment, can in the public interest be performed better under contract than by an employee in the classified service;

(c) Positions filled by the legislature of the territory or by either house or any committee thereof;

(d) Employees in the office of the governor and household employees at Washington Place;

(e) All directors or heads of departments or bureaus whose appointments are made or approved by the governor;

(f) Positions filled by popular vote;

(g) Officers and members of any board, commission or other territorial agency whose appointments are required by law to be confirmed by the senate of the territory;

(h) Judges, referees, receivers, masters, jurors, jury commissioners, notaries public and attorneys appointed by a territorial court for a special temporary service;

(i) One secretary or clerk for each justice of the supreme court and each judge of the circuit court and one law clerk for each justice of the supreme court;

(j) Assistant and deputy attorneys general;

(k) Teachers (as defined in section 1745) in the department of public instruction, and members of the faculty of the University of Hawaii, including research workers, extension agents, personnel engaged in instructional work and chief administrative personnel of the university, but other administrative personnel, secretarial and clerical employees and cafeteria managers and helpers shall be subject to the provisions of this subtitle;

(l) One first deputy or first assistant of each officer appointed under or in the manner provided by the first paragraph of section 80 of the Organic Act;

(m) Inspectors of election, election clerks and other election employees;

(n) Positions filled by inmates, kokuas, patients, students and beneficiaries of territorial institutions;

(o) Positions filled by persons employed on a fee, contract or piecework basis who may lawfully perform their

duties concurrently with their private business or profession or other private employment and whose duties require only a portion of their time, if it is impracticable to ascertain or anticipate the portion of time to be devoted to the service of the territory;

(p) Positions specifically exempted from the provisions of this subtitle by any other law. [L. 1951, c. 319, pt. of s. 1.]

Sec. 74. Rules and regulations; policies and standards. The commission shall prescribe a code of rules and regulations to carry out the provisions of this subtitle which, after public notice and public hearing before the commission and upon approval by the governor, shall have the force and effect of law. Such rules and regulations may be amended or repealed in like manner as the same were adopted. Any rules or regulations restricting political activities by employees shall uniformly apply to the territory and all counties. Such rules and regulations shall, among other things, as nearly as the conditions of good administration shall warrant, conform to the following provisions:

(a) There shall be competitive examinations for testing the fitness of applicants for positions in the classified service. Such examinations shall be practical in their character and so far as possible shall provide for ascertaining the physical and educational qualifications, experience, knowledge and skill of applicants and their relative capacity and fitness for the proper performance of the characteristic duties of the class of positions in which they seek to be employed. All examinations shall be public and, except as otherwise provided in this section, free and open to all citizens of the territory, but with such limitations as to health, physical condition, age, sex, education, training, experience, habits and character as the commission may deem necessary and proper for the class for which the examination is to be given. Examinations may be oral or written or partly oral and partly written, and may include tests of manual skill and physical strength or evaluations of training and experience backgrounds. All examinations shall be under the control of the director, or such suitable person or persons as he may designate to conduct them.

(1) Such examinations may be promotional examinations, which shall be limited to regular employees of the classified service, whenever in the opinion of the commission the same is practicable and for the best advantage of the public service. Promotional examinations may be either intra-departmental or inter-departmental in scope. Whether a promotional examination is to be intra-departmental or inter-departmental

shall be decided by the commission on the basis of sufficiency of competition as defined by rule. Ample notice of such examinations shall be given in such manner as the commission may determine.

(2) Examinations shall be open-competitive whenever in the opinion of the commission they are for the best advantage of the public service. In making such determination, the commission shall take into consideration sufficiency of competition within the classified service as well as the requirements of the class for which such examinations are to be conducted. Notice of such examinations shall be given by posting a written notice thereof in the office of the department of civil service and by publishing one or more advertisements thereof in a newspaper of general circulation throughout the territory. A period of at least fifteen days from the date of such first publication shall be allowed for the filing of applications. The director may, if he deems it necessary because of lack of sufficient competition or any other reason, extend the time for the filing of applications.

(3) Non-competitive examinations may be given in case acceptable persons do not apply after notice has been given of an examination, or when in the opinion of the commission the position to be filled calls for special qualifications and training that do not admit of competition, all under such rules as may be prescribed by the commission and approved by the governor.

(b) Except as otherwise specifically provided by law, all vacancies and new positions in the classified service shall be filled in the manner prescribed in this paragraph. Whenever there is a position to be filled, the appointing authority shall request the director to submit a list of eligibles. The director shall thereupon certify a list of five or such lesser number as may be available, taken from eligible lists in the following order: first, the promotional list or lists, second, the reemployment list or lists and third, the open-competitive list or lists. The director shall submit eligibles in the order that they appear on the eligible lists. The order in which eligibles are placed on eligible lists shall be fixed by rule. The appointing authority shall make the appointment only from the list of eligibles certified to him. In the event that the appointing authority finds no person acceptable to him on the list certified by the director, he may request the director to submit a new list, in which event the director shall submit a new list of eligibles selected in like manner, provided that the appointing authority states his reasons in writing for rejecting each of the eligibles on the list pre-

viously certified to him and such reasons are deemed sufficient by the commission. Eligible lists, other than reemployment lists, shall be effective for not more than one year unless extended by the commission.

(c) All employees shall successfully serve an initial probation period before becoming members of the classified service. In addition, membership in the classified service shall require that the employee shall have been appointed in accordance with law and have satisfied all requirements for employment, including those prescribed by section 451. A member who is promoted or transferred to another position in the classified service may be required to serve a new probation period in his new position, but he shall be entitled to all the rights and privileges of a member of the classified service, except the right to appeal in case of a dismissal from the new position (as distinguished from dismissal from the service) for inefficiency in the new position, in which case he shall be returned to his former position.

(d) No person in the classified service shall be obliged to contribute to any political fund or to render any political service, nor shall he be removed or otherwise prejudiced for refusing to do so.

(e) No person in the classified service shall use his official authority or influence to coerce the political action of any person or body.

(f) Prompt notice shall be given to the director in writing by all appointing authorities of all appointments, terminations of employment, transfers, resignations, demotions, and dismissals, and of the date thereof, and a record of the same shall be kept by the director.

(g) No person who has been convicted of any crime involving moral turpitude, or who has been guilty of infamous or disgraceful conduct, or who has committed or attempted any deception or fraud in connection with any examination, shall be eligible for any appointment in the classified service.

(h) Every member of the classified service shall be entitled to hold his position during good behavior, subject to suspension, demotion or dismissal only as provided in this subtitle and in the rules and regulations of the department of civil service. Resignations shall be in writing. In case an employee resigns without submitting his resignation in writing, the department head shall, within fifteen days following such resignation, file with the director a statement showing such termination of employment.

(i) Whenever any employee who has been performing his duties in a satisfactory manner, as shown by the records of

the department of civil service or the agency in which he has been employed, is laid off because of lack of work or lack of funds, or has resigned in good standing with the consent of the appointing authority and the commission, he shall have the right to have his name placed on the appropriate reemployment list for a period of six years thereafter, provided that he files a written application for reemployment within ninety days after such termination. The director may strike the name of a person on any reemployment list or refuse to certify his name on any list of eligibles if he finds, after giving him notice and an opportunity to be heard, that such person is no longer able to perform the necessary duties satisfactorily.

(j) If necessary to prevent stoppage of public business or inconvenience to the public, but not otherwise, the commission may authorize the filling of a position by a provisional appointment pending the establishment of an eligible list. Such provisional appointments shall continue only until the establishment of an eligible list and in no case shall such appointment exceed a total of one hundred and eighty days in any twelve month period. No person shall receive more than one provisional appointment in any twelve month period. Short-term appointments not to exceed ten days may be made to fill positions temporarily in any serious emergency when it is not practicable to ascertain whether there is an eligible list, or to make a careful selection therefrom, or to secure the commission's authorization to make a provisional appointment.

(k) There may be separate eligible lists for different kinds of unskilled labor and separate registration lists of unskilled labor for particular departments, institutions, districts or localities. Applicants seeking to have their names placed on such registration lists may be required to pass such examination as the director may deem proper or necessary with respect to physical and mental condition, ability to labor, capacity and habits.

(l) Any employee who has been granted a leave of absence by the appointing authority with the approval of the commission in order to pursue a course of instruction, to engage in research or otherwise to improve his ability and increase his fitness for public employment, and who in fact has carried out the plan stated by him at the time such leave was requested, shall have the right to return to his position at the expiration of his leave of absence. Leaves of absence may be granted by the appointing authority with the approval of the commission for other reasons, but in such

cases the employee shall have such rights of reemployment or otherwise as may be provided by rule.

(m) Provision shall be made for the exchange and transfer of employees in the classified services of the territory and the counties, including exchanges between the territory and any county or between counties, and transfers from the territory to any county or vice versa or from any county to any other county.

(n) There shall be a uniform plan promulgated by the civil service commission of the territory for the exchange of employees within the classified services of the territory and the counties with the employees of any state or subdivision thereof. The following conditions shall govern such exchanges:

(1) Each person coming to the territory on exchange shall have qualifications equal to those of the employee who is exchanged for him.

(2) The person exchanged from the territory shall have served within the territory as an employee of the territory or county, as the case may be, not less than three years before the beginning of the exchange period.

(3) In the selection of employees for exchange from the territory, preference shall be given to persons born in the territory.

(4) The person exchanged by any state or subdivision thereof shall hold in the government of such state or subdivision a position which is equivalent to the position of the employee for whom he is exchanged.

(5) The person exchanged from the territory shall be paid his regular salary by the territory or county, as the case may be, but nothing in addition thereto.

(6) The territory or county, as the case may be, shall not pay any traveling or other expenses of any person or employee exchanged to or from the territory on any contract of exchange, and this prohibition shall apply to all traveling, transportation, board, lodging or other expenses incidental to or arising out of such exchange.

(7) The territory or county, as the case may be, shall not pay any compensation to any person coming to the territory under any contract of exchange; **provided**, however, that in any case where the person exchanged from the territory becomes incapacitated or for any reason leaves his exchange position during the period of the exchange, the territory or county, as the case may be, may pay the visiting exchange person an amount not to exceed the salary of the person exchanged from the territory, until the end of the exchange period or until such time as some adjustment satisfactory

to the territory or county is made. Contracts of exchange shall provide that in a corresponding situation, the exchanging state or subdivision thereof may pay compensation to the employee exchanged from the territory.

(8) No such exchange shall be for a period in excess of one year.

(o) Any employee who has been employed by the territory or any county for seven consecutive years may, upon application to and with the approval of both his department head and the commission, be granted a sabbatical leave of absence for not more than one year, provided that the two years of employment next preceding such application shall have been with the same department. Such employee shall have the right to return to his position at the expiration of the sabbatical leave of absence. The resulting vacancy shall be filled by the appointment of a substitute for a period not to exceed the duration of the leave. Such substitute shall be paid the minimum compensation provided by law for the position. The difference between the minimum compensation and the actual compensation received by the employee at the time such leave was granted shall be paid to him upon his return to his position in monthly installments for a period equal to his leave, but no such installment shall be payable unless he returns to his position and remains in the employ of the department which granted him the leave. An employee on sabbatical leave shall not engage in any form of employment except such as shall tend to promote his professional education and training and as shall be approved by his department head, and every such employee shall devote at least two-thirds of the period of leave to such educational activities as will contribute to the value of his services to the territory or the county employing him. An employee granted sabbatical leave pursuant to the provisions hereof shall not by reason thereof be deprived of any accumulated vacation allowance or sick leave but shall accrue no additional vacation allowance or sick leave during the period of such leave. Upon the employee's return from sabbatical leave he shall have the same salary rating that he had at the time of taking such leave and his increment date shall be advanced equivalent to the duration of the leave.

(p) Any woman employee shall be entitled to apply in writing to her department head or other superior officer for and to receive upon such application maternity leave without pay from her office or employment for a period of six months before her expected date of confinement and six months after her expected date of confinement or for any part of such period. Such application shall be made before

the commencement of the period of maternity leave, shall state the expected date of confinement, and shall have attached to it a licensed physician's certificate that the officer or employee is pregnant and will probably have her confinement on or about the expected date of confinement named in the application. Upon being satisfied of the truth and correctness of the application, the department head or other superior officer shall grant the application and shall notify such officer or employee of the granting of the application.

A woman on such maternity leave shall not receive any salary or compensation for the office or employment from which she is on leave and shall not be required to perform any of the duties of such office or employment, and (1) upon her written application, filed with her department head or other superior officer not less than thirty days before the expiration of her maternity leave, she shall be entitled to reemployment upon the expiration of her maternity leave in the office or employment from which she took such leave, or (2) upon the recommendation of her physician, to the extension of her maternity leave for an additional period not to exceed twelve months, and (3) in the event of such extended leave, and upon written application filed with her department head or other superior officer not less than thirty days before the expiration of such extended leave, she shall be entitled to be placed on the reemployment list for the appropriate type of position for reemployment within two years thereafter when vacancies in the type of position occur. [L. 1951, c. 319, pt. of s. 1.]

Sec. 75. Suspensions; demotions; dismissals; appeals.

(a) An appointing authority may, for disciplinary purposes, suspend any employee without pay for such length of time as he considers appropriate but not exceeding thirty days at any one time nor more than sixty days in any calendar year. No suspension for a period of five consecutive days or more shall take effect unless the appointing authority first gives the employee a written notice setting forth the specific reasons upon which such suspension is based and files a copy of such statement with the director. With the approval of the director, an employee may be suspended for a period longer than thirty days pending the investigation or trial of any charges against him.

(b) An appointing authority may dismiss or demote any employee when he considers that the good of the service will be served thereby. No person holding any position in the classified service shall be suspended, demoted or dismissed from his position on racial, religious or political

grounds. Dismissals may be made only for such causes as will promote the efficiency of government service.

(c) No dismissal or demotion of a regular employee shall take effect unless at least ten days before the effective date thereof the appointing authority shall have given to such employee a written statement setting forth the specific reasons upon which such dismissal or demotion is based and filed a copy of such statement with the director.

(d) Any regular employee who is suspended for a period in excess of five days, or is dismissed or demoted, may appeal to the commission within twenty days after notice has been sent him of such suspension, dismissal or demotion. Upon such appeal, both the appealing employee and the appointing authority shall have the right to be heard publicly, present evidence and be represented by counsel, who shall have the right to examine and cross examine witnesses. At the hearings of such appeals, technical rules of evidence shall not apply. If the commission shall find that the action appealed from was taken by the appointing authority for any political, religious or racial reason, the employee shall be reinstated to his position without loss of pay for the period of his suspension or separation therefrom. In all other cases, if the commission shall find that the charges are not substantiated, the commission may order that the employee be reinstated in his position without loss of pay, but if the commission shall find that the charges are substantiated, the commission shall sustain the action of the appointing authority, provided that the commission may modify the action of the appointing authority if it shall find that the circumstances of the case so require and may thereupon order such disposition of the case as it may deem just. [L. 1951, c. 319, pt. of s. 1.]

Sec. 76. Appeals from action of director. As to any matter within the scope of this subtitle, any person suffering legal wrong because of any action by the director, or adversely affected or aggrieved by such action, shall be entitled to appeal to the commission. The appeal shall be made within twenty days after notice of the action of the director has been sent to such person and shall be heard in a manner similar to that provided in paragraph (d) of section 75. [L. 1951, c. 319, pt. of s. 1.]

Sec. 77. Subpoenas; oaths. The commission and each member thereof shall have such powers as may be provided by law with respect to compelling the attendance of witnesses and administering oaths to witnesses, and as to all

matters within the scope of his authority, the director shall have similar powers. [L. 1951, c. 319, pt. of s. 1.]

Sec. 78. Refusal or failure to make reports, etc. Every officer and employee, including any appointing authority, shall promptly make such reports and file such statements as may be required by the provisions of this subtitle or the rules and regulations prescribed thereunder. In case any officer or employee shall refuse or fail within the prescribed, or within a reasonable, time to make any such report or file any such statement, the commission may notify the auditor of such refusal or failure, and upon such notification, the auditor shall withhold any compensation payable to such officer or employee until such time as the commission shall notify the auditor in writing that such officer or employee has made such report or filed such statement. [L. 1951, c. 319, pt. of s. 1.]

Sec. 79. No salary or compensation payable to any person appointed in violation of this subtitle. No officer of the territory whose duty it is so to do shall authorize the drawing, signing or issuing of any warrant on the treasury or other disbursing agency of or for the territory or against any funds available for such purpose for the payment of any salary or compensation to any person in the public service of the territory whose appointment or retention has not been in accordance with this subtitle and the rules and regulations in force thereunder. Any salary or wage paid contrary to the provisions of this subtitle and the rules and regulations established thereunder may be recovered from any person approving such payment or from any officer authorizing the signing or countersigning of a voucher, payroll, check or warrant for such payment in an action maintained by any taxpayer who is a citizen. All moneys recovered in any action brought under this section shall be paid into the treasury of the territory. Any person employed or appointed contrary to the provisions of this subtitle and the rules and regulations thereunder whose payroll or account is refused certification, shall have an action of debt against such officer or officers employing or appointing him or attempting to employ or appoint him for the amount due by reason of such employment or purported employment and the cost of such action. No public officer or officers, during the time of his or their official service or thereafter, shall be reimbursed by the territory for any sum paid or recovered in any such action. [L. 1951, c. 319, pt. of s. 1.]

Sec. 80. Membership of classified services. All regular employees and all other employees having a permanent appointment in the classified service pursuant to law shall constitute the membership of the classified service, **provided** that no employee shall be entitled to membership in the classified service unless he shall have been appointed in accordance with law and have satisfied all requirements for employment, including those prescribed by section 451. [L. 1951, c. 319, pt. of s. 1.]

PART II

CIVIL SERVICE FOR THE CITY AND COUNTY OF HONOLULU

Sec. 81. Department of civil service. There is hereby created a department of civil service for the city and county of Honolulu, which shall include a personnel director and a commission consisting of three members appointed by the mayor with the approval of the board of supervisors. [L. 1951, c. 319, pt. of s. 1.]

Sec. 82. Classified service. All positions in the public service of the city and county, except the following positions, shall be included in the classified service of the city and county:

(a) The administrative assistant to the mayor, if any, and the private secretary to the mayor.

(b) Positions filled by persons employed by contract to render a special or temporary service for the city and county where such contract is certified by the commission to be for a service which, from its nature and all other circumstances surrounding its fulfillment, can in the public interest be performed better under contract than by an employee in the classified service;

(c) Officers elected by public vote;

(d) Members of any board, commission or other city and county agency and heads of departments whose appointments are required under the laws of the territory or ordinances of the city and county to be made by the mayor and confirmed by the board of supervisors of the city and county, and one first deputy or first assistant of such heads of departments and of the sheriff, clerk, auditor and treasurer;

(e) Chief of police;

(f) Manager, board of water supply;

(g) District magistrates;

(h) Institutional inmate or patient employees in city and county institutions;

(i) Deputy city and county attorneys and assistant or deputy public prosecutors. [L. 1951, c. 319, pt. of s. 1.]

Sec. 83. Provisions of Part I applicable. Except as otherwise specifically provided in this subtitle, all of the provisions of the preceding subtitle (Part I of this chapter) shall apply to the city and county and shall be deemed a part of this subtitle, for which purpose wherever reference is made in the preceding subtitle to the 'territory', or 'governor', or the 'legislature', they shall be construed to mean the city and county, the mayor of the city and county and the board of supervisors of the city and county, respectively, and references therein to the 'director' and the 'commission' shall mean the director and the commission provided for in section 81, **provided**, however, that section 72 shall not be deemed a part of this subtitle. [L. 1951, c. 319, pt. of s. 1.]

PART III

CIVIL SERVICE FOR COUNTIES OF HAWAII, KAUAI AND MAUI

Sec. 84. Department of civil service. There is hereby created a department of civil service for each of the counties of Hawaii, Kauai and Maui, which shall include a personnel director and a commission consisting of three members appointed by the chairman with the approval of the board of supervisors of the respective county. [L. 1951, c. 319, pt. of s. 1.]

Sec. 85. Classified service. All positions in the public service of each county shall be included in the classified service of such county, except the following positions:

(a) Private secretary for the chairman of the board of supervisors;

(b) Positions filled by persons employed by contract to render a special or temporary service for the county where such contract is certified by the commission to be for a service which, from its nature and all other circumstances surrounding its fulfillment, can in the public interest be performed better under contract than by an employee in the classified service;

(c) Officers elected by public vote;

(d) Board or commission members or heads of departments whose appointments are required under the laws of the territory or by county ordinances to be made by the

chairman of the board of supervisors and confirmed by the board of supervisors of the county, and one first deputy or first assistant of such heads of departments and of the clerk, auditor and treasurer;

(e) Chief of police;

(f) District magistrates;

(g) Institutional inmate or patient employees in county institutions and students in schools;

(h) Deputy county attorneys. [L. 1951, c. 319, pt. of s. 1.]

Sec. 86. Provisions of Part I applicable. Except as otherwise specifically provided in this subtitle, all of the provisions of Part I of this chapter shall apply to each of the counties of Hawaii, Kauai and Maui and shall be deemed a part of this subtitle, for which purpose whenever reference is made in Part I to the 'territory', the 'governor' or the 'legislature', they shall be construed to mean each of said counties and the chairman of the board of supervisors of each county and the board of supervisors of each county, respectively, and references to the 'director' and the 'commission' shall mean the director and the commission provided for in section 84 for the county, **provided** that section 72 shall not be deemed a part of this subtitle. In addition to the duties prescribed by section 71, the director of each county shall represent the employees' retirement system of the territory, when so requested by the board of trustees of said system, in advising employees of their rights, duties and benefits thereunder, in processing the forms prescribed by said board of trustees, and in giving other assistance with respect thereto. [L. 1951, c. 319, pt. of s. 1.]

PART IV

CERTAIN ACTIONS UNLAWFUL

Sec. 87. Prohibitions and penalties. No recommendation of any person who shall apply for examination or appointment to any office or position under the provisions of this chapter which may be given by an elected officer of the territory or any county except as to the ability or character of the applicant, shall be received or considered by any person concerned in the giving of any examination or the making of any appointment under this chapter.

It shall be unlawful for any candidate for election to any public office or for any officer or employee of the territory or of any county directly or indirectly to solicit or assess any contribution or assessment for any political purpose

whatever from any member of any classified service created under this chapter.

No person shall, in any room or building occupied in the discharge of official duties by any officer or employee of the territory or of any county, solicit in any manner whatever or receive any contribution of money or other things of value from any officer or employee for any political purpose whatever.

No officer or employee of the territory or of any county shall discharge, promote or demote or in any manner change the status or compensation of any other officer or employee or promise or threaten so to do for giving or withholding or neglecting to make any contribution of money or other things of value for any political purpose whatever.

No officer or employee of the territory or of any county shall directly or indirectly hand over to any other officer or employee any money or other things of value on account of or to be applied to the promotion of any political object whatever.

No officer or employee of the territory or of any county shall discharge, promote or demote or in any manner change the status or compensation of any other officer or employee because of the political or religious actions or beliefs of such other officer or employee or for the failure of such other officer or employee to take any political action for any political purpose whatever or to advocate or fail to advocate the candidacy of any person seeking an elective office.

Any person who shall be guilty of violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon a conviction thereof shall be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding one year, or by both such fine and imprisonment. [L. 1951, c. 319, pt. of s. 1.]

PART V

EMPLOYEE ORGANIZATIONS; VETERANS PREFERENCE

Sec. 88. Membership in organizations; grievances and proposals. Membership in any association or organization of public employee not affiliated with any other organization imposing an obligation or duty upon them to engage in any strike, or proposing to assist them in any strike, by any person in the classified service, or the presenting by any such person or groups of persons of any grievance or proposal to the legislature or any public officer or body, shall

not constitute or be cause for reduction in rank or compensation or removal from said service. The right of any individual officer or employee in the classified service, or any group of officers or employees, or of officers and employees, to present grievances or to petition for redress of grievances to the legislature or any member thereof, or any other public officer or body, shall not be denied or interfered with. Further, no person in said service shall be required as a condition of employment or promotion to be a member of any association or organization.

For the purpose of submitting to the legislature and its committees and members, and all other public officers and bodies, proposals concerning compensation, hours of employment and other conditions of employment, the employees shall be authorized to select and designate, in the manner hereinafter provided, one association or organization as their sole and exclusive representative. Upon the written petition of not less than five hundred employees, the secretary of the territory shall conduct and supervise an election to determine which association or organization shall be so selected and designated. The secretary shall give notice of such election by publishing notice thereof for three successive weeks (three insertions) in a newspaper of general circulation in the territory published in Honolulu, the first to be not less than ninety days before the date of election. Any association or organization that is nominated by the written petition of not less than five hundred employees shall be placed on the ballot, **provided**, however, that no such association or organization shall be placed on the ballot unless and until all of the officers, agents or other persons speaking for or on behalf of such association or organization shall have subscribed to the oath or affirmation provided by chapter 13 and filed the same with the secretary. The petition for election hereinabove referred to and the petition for nomination may be combined and the signatures made applicable to each petition. In the event that only one association or organization is nominated, no election shall be held and such association or organization shall be the sole and exclusive representative of the employees for the purposes hereinabove stated; **provided**, however, that such organization can offer proof positive to the secretary of Hawaii that it has more than a majority of the employees of the territory and its political subdivisions in its membership. Otherwise, there shall be an election by secret ballot. The secretary shall be authorized to prescribe rules and regulations (which shall not be subject to the provisions in chapter 11 respecting rules and regulations) governing the balloting so as to preserve

secrecy and prevent fraud in the casting of ballots. The association or organization receiving a majority of the votes cast shall be designated as the sole and exclusive representative of the employees for the purpose hereinabove stated. If no association or organization shall receive a majority of the votes cast, a new ballot shall be taken between the two associations or organizations receiving the highest number of votes. Not oftener than once a year and only upon the written petition of not less than five hundred employees, a new election may be held. The term 'employees' as used in this paragraph shall mean and include all officers and employees of the territory and its political and municipal subdivisions except teachers and other persons holding certificates issued under the provisions of chapter 28, who shall be authorized to select and designate in like manner another association or organization to represent them for such purposes. [L. 1951, c. 319, pt. of s. 1.]

Sec. 89. Veteran's preference.

(a) As used in this section: 'Veteran' means any person who has served during any period when the United States was at war, in any branch of the United States military or naval establishment and been honorably separated therefrom or honorably discharged from active service and placed in reserve;

'Disabled veteran' means any veteran who is suffering from any physical disability rated as at least ten per cent and service connected and incurred during any period when the United States was at war, as certified by the veterans' administration or any retirement board of any branch of the armed forces of the United States; and

'Deceased serviceman' means any veteran or disabled veteran who has deceased as the result of service incurred injury, or any person who would have been a veteran or disabled veteran except for the fact that he deceased before separation or discharge from the branch of the United States military or naval establishment in which he was serving at the time of his decease while the United States was at war.

(b) In any open-competitive examination, but not in any promotional examination, given pursuant to this chapter, the following credits shall be given to the following persons:

(1) To each candidate who is a veteran (other than a disabled veteran), a credit of five per cent of the total credits specified for such examination;

(2) To each candidate who is a disabled veteran, a credit

of ten per cent of the total credits specified for such examination; and

(3) To each candidate who is the wife of a disabled veteran neither in government service nor a candidate, or who is the widow of a deceased serviceman (provided she shall not have remarried), a credit of ten per cent of the total credits specified for such examination.

The credits provided for herein shall be added to the credits attained in examination and the total of such sum shall be used in determining the rank of eligibles, **provided** that the credits attained in examination satisfy the minimum passing grade of each part of the examination." [L. 1951, c. 319, pt. of s. 1.]

Section 2. Chapter 3 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended in the following respects:

(a) By inserting in **section 101** between the definitions of the words "Board" and "Territory" the following:

"'Director' means the director of classification; and".

(b) By substituting the words "personnel director" for the words "director of personnel" in the first line of the second paragraphs of **section 102**, the sixth line of paragraph (14) of **section 103**, and wherever else the latter term appears in said chapter.

(c) By amending paragraph (12) of **section 105** to read as follows:

"(12) Positions filled by persons employed by contract to render a special or temporary service for the territory where such contract is certified by the board to be for a service which, from its nature and all other circumstances surrounding its fulfillment, can in the public interest be performed better under contract than by an employee in the classified service; and".

(d) By inserting a new section, to be numbered **section 111.03*** reading as follows:

"Sec. 111.03*. Requests for classification or reclassification to be expedited. All appointing authorities shall expedite transmission of requests for classification or reclassification of positions with specific recommendations for action, and in no event shall such transmission be delayed more than sixty days." [L. 1951, c. 319, s. 2 (d).]

(e) By amending paragraph (9) of **section 117** to read as follows:

* Renumbered § 111.03 because of S. L. 1949, Act 298, sr. A-19. Secretary of Hawaii.

"(9) Positions filled by persons employed by contract to render a special or temporary service for the city and county where such contract is certified by the board to be for a service which, from its nature and all other circumstances surrounding its fulfillment, can in the public interest be performed better under contract than by an employee in the classified service; and".

(f) By amending paragraph (9) of section 119 to read as follows:

"(9) Positions filled by persons employed by contract to render a special or temporary service for the county where such contract is certified by the board to be for a service which, from its nature and all other circumstances surrounding its fulfillment, can in the public interest be performed better under contract than by an employee in the classified service; and".

(g) By amending paragraph (7) of section 123 to read as follows:

"(7) Positions filled by persons employed by contract to render a special or temporary service for the county where such contract is certified by the board to be for a service which, from its nature and all other circumstances surrounding its fulfillment, can in the public interest be performed better under contract than by an employee in the classified service; and".

Section 3. Section 451 of the Revised Laws of Hawaii 1945 is hereby amended by amending paragraph (b) thereof to read as follows:

"(b) That for the purpose of filling a position for which no competent person with the foregoing qualifications applies within ninety days after the first publication of an advertisement of such position or a notice of an examination therefor, which advertisement or notice shall have been published more than once, and not oftener than once a week, in a newspaper of general circulation in the territory, a person without such qualifications may, with the approval of the governor where the compensation for such employment is paid out of territorial funds, or with the approval of the mayor or chairman of the board of supervisors where the compensation for such employment is paid out of county funds, or with the approval of the chairman of an independent board or commission having charge of its own funds where the compensation for such employment is paid out of the funds of such independent board or commission, be employed under a contract;".

Section 4. The several directors of personnel of the territory and the several counties who are holding office on the effective date of this Act shall continue in office, subject to removal as provided in section 70 of the Revised Laws of Hawaii 1945, as amended by section 1 of this Act.

All members of the several civil service commissions of the territory and counties holding office on the effective date of this Act shall continue in office, subject to removal as provided in section 67 of the Revised Laws of Hawaii 1945, as amended by section 1 of this Act; **provided**, however, that of the three members of each commission, the member whose term of office shall expire first shall continue in office until January 1, 1953, the member whose term of office shall expire next shall continue in office until January 1, 1955 and the member whose term of office shall expire last shall continue in office until January 1, 1957. Of the two new members to be appointed to each commission, one member shall be appointed for a term expiring January 1, 1954 and the other for a term expiring January 1, 1956. The terms of office of the successors of such members shall be in conformity with the provisions of section 67 of the Revised Laws of Hawaii 1945, as amended by section 1 of this Act.

All persons employed by the several civil service commissions on the effective date of this Act shall be continued in employment, subject to the provisions of this Act, by the respective departments of civil service. All records of the civil service commissions shall be transferred to the respective departments of civil service.

Section 5. Nothing contained in this Act shall be applied or construed to change the civil service status of any officer or employee of the territory or of any county who is in service on the effective date of this Act.

Section 6. This Act shall take effect July 1, 1951.

(Approved June 14, 1951.) **H.B. 179, Act 319.**

Chapter 3. SALARY STANDARDIZATION LAW.*

Series A-3: ACT 320

An Act Relating to the Classification, Compensation, Recruitment, Appointment, Employment, Efficiency Ratings and Appeals of Public Employees, Amending Chapter 3 of the Revised Laws of Hawaii 1945, as Amended, Providing for Surveys Relating to the Classification and Compensation of Public Employees, and Making Appropriations Therefor.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 3, Revised Laws of Hawaii 1945, as amended, is hereby amended to read as follows:

"CHAPTER 3. SALARY STANDARDIZATION LAW.

Sec. 101. Definitions. As used in this chapter, unless the context clearly indicates otherwise:

(1) 'Department' means a department of the executive branch of the government of the territory; a governmental establishment in the executive branch of the government which is not a part of an executive department; the supreme court of the territory; the land court of the territory; and the district court of Kalawao; and any office, bureau, institution, department, court, board, commission, or other agency or body of the public service of any county;

(2) 'Bureau' means a department or a division or bureau of a department, as the context may require or indicate to be appropriate;

(3) 'The head of the department' means the officer or group of officers in the department who is not subordinate or responsible to any other officer of the department;

(4) 'Employee' means any person occupying a position, whether permanently or otherwise;

(5) 'Compensation' means any salary, wage, fee, allowance or other emolument paid to an employee for service in a position;

(6) 'Compensation schedule' means the general schedule for the compensation of employees;

(7) 'Personnel classification board' means the civil service commission;

(8) 'Position' means the work, consisting of duties and responsibilities assignable to an officer or employee;

* For prior amendments to Chap. 3, see S. L. 1949, pp. 3, 4; see also S. L. 1951, Acts 319 [A-2], 21 [F-324], 51 [B-149].

(9) 'Class' or 'Class of positions' includes all positions which are sufficiently similar, as to (a) kind of subject matter of work, (b) level of difficulty and responsibility, and (c) the qualification requirements of the work, to warrant similar treatment in personnel and pay administration;

(10) 'Grade' includes all classes of positions which (although different with respect to kind or subject matter of work) are sufficiently equivalent as to (a) level of difficulty and responsibility, and (b) level of qualification requirements of the work, to warrant the inclusion of such classes of positions within one range of rates of basic compensation, as specified in section 114.

(11) 'Director of classification' means the personnel director of the civil service of the territory, and he is hereby duly constituted the director of classification of the territory;

(12) 'Board' means the salary standardization board created by this Act; and

(13) 'Territory' means the Territory of Hawaii. [L. Sp. 1941, c. 88, s. 1; R. L. 1945, s. 101; am. L. 1951, c. 319, pt. of s. 2, c. 320, pt. of s. 1.]

Sec. 102. Policy. It is the purpose of this chapter to provide a plan for the classification of positions and for rates of basic compensation whereby in determining that rate of basic compensation which an officer or employee shall receive, (a) the principle of equal pay for substantially equal work shall be followed and (b) variations in rates of basic compensation paid to different officers and employees shall be in proportion to substantial differences in the difficulty, responsibility, and qualification requirements of the work performed. [L. 1951, c. 320, pt. of s. 1.]

Sec. 103. Coverage. This chapter shall apply to all positions of persons who are employed in the public service of the territory or whose compensation is paid in whole or in part from territorial funds including positions the compensation for which is specifically fixed by any other law or a general appropriation act. [L. 1951, c. 320, pt. of s. 1.]

Sec. 104. Exemptions. This chapter shall not apply to:

- (1) Positions of members of any board or commission;
- (2) Positions of all officers and heads of departments whose appointments are made by the governor, pursuant to the provisions of the first paragraph of Section 80 of the Organic Act, and the positions of the president of the board of health and of the director of the bureau of the

budget; and positions of assistant and deputy attorneys general if and while exempted from classification by order of the governor;

(3) Teachers, principals, specialists not engaged in instructional work, supervisors, including supervising principals, and district superintendents, directors and chief administrative personnel and their assistants under the department of public instruction, but secretarial and clerical employees, cafeteria managers and helpers and personnel not engaged in supervision or direction of instructional work shall be subject to the provisions of this subtitle;

(4) Positions filled by members of the faculty of the University of Hawaii, including research workers, extension agents, and all personnel engaged in instructional work;

(5) Household positions at Washington Place;

(6) Positions filled by inmates, kokuas, patients, students or beneficiaries in territorial institutions;

(7) Positions of judges, referees, receivers, masters, jurors, jury commissioners, notaries public, land court examiners, and court commissioners;

(8) Positions of inspectors of election, election clerks, and other election employees;

(9) Positions filled by commissioned and enlisted personnel of the national guard of Hawaii as such, and positions in the national guard of Hawaii which are required by territorial or federal laws or regulations, or orders of the national guard, to be filled from such commissioned or enlisted personnel;

(10) Positions filled by the legislature of the territory or by either house or any committee thereof;

(11) Positions filled by persons employed by contract to render a special or temporary service for the territory where such contract is certified by the director of classification to be for a service which, from its nature, can better be performed by other than a member of the classified service; and

(12) Positions filled by persons employed locally on a fee, contract or piecework basis who may lawfully perform their duties concurrently with their private business or profession or other private employment and whose duties require only a portion of their time, if it is impracticable to ascertain or anticipate the portion of time devoted to the service of the territory. [L. 1951, c. 320, pt. of s. 1.]

Sec. 105. Determination. The director of classification is authorized and directed to determine finally the applica-

bility of sections 103 and 104 to specific positions, officers and employees. [L. 1951, c. 320, pt. of s. 1.]

Sec. 106. Salary standardization board; membership. There is hereby established a salary standardization board consisting of seven members. One member of said board shall be the director of the bureau of the budget, ex officio. One member shall be the director of personnel of the territorial civil service commission, ex officio. Of the remaining five members, four shall be persons who are not employees of the territory or of any county, and all shall be appointed by the governor in the manner prescribed by the first paragraph of Section 80 of the Organic Act for a term to expire June 30, 1953. The governor shall designate one of the members appointed by him as chairman. [L. 1951, c. 320, pt. of s. 1.]

Sec. 107. Staff; hearings. The board may hold public hearings at any place in the territory for the purpose of carrying out its functions and shall have the power to administer oaths, take testimony, issue subpoenas and compel attendance of witnesses and production of books and papers so far as may be necessary for the performance of its duties. If any person subpoenaed as a witness to attend before the said board, or to produce any papers, books, accounts, reports, documents, or records called for by the process of the board, shall fail or refuse to respond thereto, or refuse to answer questions propounded by any member of the board, it shall be the duty of any circuit judge on application by the board or any member thereof to compel obedience to any process of the board and to require any witness to answer questions put to him as aforesaid and to punish as a contempt of court any refusal to comply with the court's order unless good cause is shown therefor. The board shall have access to the books, papers, records and documents of any office, officer, board, bureau, department or other agency of the territory, or the counties. The board shall receive such assistance from territorial officers or employees without extra compensation as it may request in order to carry out its functions. [L. 1951, c. 320, pt. of s. 1.]

Sec. 108. Salary standardization board; expenses; meetings. The members of the board shall serve without pay but each of said board members shall be paid necessary travel expenses including expenses of meals and lodging incurred in the discharge of their duties.

The board shall meet at least once each month, at such place as shall be made available for such purpose by the governor and at such times as may be designated in advance by the board, and at such other times for which meetings may be especially called by the chairman or the governor. [L. 1951, c. 320, pt. of s. 1.]

Sec. 109. General powers and duties of board. The board shall cause to be made a survey of the classification of all positions in the service of the territory and the several counties. The work of said survey shall include: (1) the drafting of class and grade definitions, and (2) the survey of every position of the territory or any county subject to classification, the final allocation of each such position to a class, and the final allocation of each class to a grade in the general schedule.

The basis for determining the class in which each position shall be placed shall be the duties and responsibilities of such position and the qualifications required by such duties and responsibilities. The basis for determining the grade in which each class shall be placed shall be the level of difficulty, responsibility, and qualification requirements of the work of such class.

The said survey shall be made under the supervision and direction of the board by competent qualified persons hired by it to make said survey. The board is hereby authorized to hire such person or persons as it deems fit to make such survey under such terms and conditions as it deems proper. No residence qualification shall be required of any such person or persons. The board shall have the power to appoint and at its pleasure remove such assistants and employees as it shall deem necessary, which positions shall not be subject to any civil service or classification law. The board shall, however, utilize where feasible personnel employed by the director of classification. The directors of classification of the several counties shall cooperate with the board to facilitate the making of the survey.

Upon completion of the said survey, the board shall fix the date when the new classification plan and pay schedule shall take effect, and with the adjustments hereinafter provided for, the new plan and schedule shall then be applicable to all employees covered by this chapter on and after said date and shall be retroactive to July 1, 1951 for those employees who are in service at the time the said plan and schedule take effect.

The board shall also cause to be made a full report of said survey, including the classification definitions and the

specific allocations of positions to classes and of classes to grades, to be submitted to the members of the legislature not later than February 1, 1953. The said report shall also indicate those instances wherein the basic rate or salary range for any position classified by the board exceeds the basic rate or salary range for comparable services paid by private industry or other governmental agencies in the community and vice versa.

The official class titles established by the board shall be used for personnel, budget, and fiscal purposes, but this requirement shall not prevent the use of organizational or other titles for internal administration, public convenience, law enforcement, or similar purposes. [L. 1951, c. 320, pt. of s. 1.]

Sec. 110. Further authority of the board. (a) Notwithstanding any other provisions to the contrary on and after the date the said classification plan and pay schedule take effect, the board shall have the authority, and may also delegate said authority to the director of classification, to:

(1) Ascertain currently the facts as to the duties, responsibilities, and qualification requirements of any position;

(2) Place in an appropriate class and grade any newly created position or any position coming initially under this chapter;

(3) Decide whether any position is in its appropriate class and grade;

(4) Change any position from one class or grade to another class or grade whenever the facts warrant; and

(5) Determine the reasonable value of allowances rendered to employees in the form of quarters, heat, light, household equipment, maid service, laundry service, or other perquisites at the expense of the territory and cause the reasonable value of such allowances to be deducted from the salary of such employees; **provided**, however, that this provision shall not apply to those who are in receipt of such perquisites at the present time.

The board or director, as the case may be, shall certify to the department concerned action taken by it under paragraph (2), (4) or (5). The department shall take action in accordance with such certificate, and such certificate shall be binding on all administrative, certifying, payroll, disbursing, and accounting officers of the territory.

(b) Any employee or employees (including any officer or officers) affected or any department may request at any time that the board exercise the authority granted to it under subsection (a) and the board shall act upon such re-

quest or authorize the director to do so, **provided**, that such request be accompanied by reasons explaining why the examination is necessary. [L. 1951, c. 320, pt. of s. 1.]

Sec. 111. Forms; records; interviews. The board may (1) prescribe the form in which each department shall record the duties and responsibilities of positions to which this chapter applies and the places where such records shall be maintained, (2) examine these or any other pertinent records of the department, and (3) interview any officers or employees of the department who have knowledge of the duties and responsibilities of such position. [L. 1951, c. 320, pt. of s. 1.]

Sec. 112. Prohibition. No appropriated funds shall be used to pay the compensation of any officer or employee whose position has been placed in a class and grade solely on the basis of the size of the group, section, bureau, or other organization unit, or the number of subordinates supervised. Such factors may be given effect only to the extent warranted by the work load of the organization unit and then only in combination with other factors, such as the kind, difficulty, and complexity of work supervised, the degree and scope of responsibility delegated to the supervisor, and the kind, degree, and character of the supervision actually exercised. [L. 1951, c. 320, pt. of s. 1.]

Sec. 113. Powers of director. Upon the expiration of the life of the board, to-wit, on June 30, 1953, the director of classification shall thereafter have all the powers and duties given to the board by this chapter, save and except those prescribed by sections 107 and 109.

The said director shall have the power to appoint such assistants and employees as may be necessary for the proper administration of the classification law and for whom appropriations shall have been made by the legislature. Such assistants and employees shall be members of the civil service system and shall receive such salaries as shall be fixed pursuant to the provisions of this chapter.

The director shall also have the power to publish the position specifications adopted by the board or director for each position in such form as he shall determine. The said publication or publications shall describe the position, its duties and responsibilities, the qualifications therefor, and its class and grade. The director shall keep said publications up to date so that as nearly as may be practicable all positions existing at any given time within the

service will be covered by current published specifications. [L. 1951, c. 320, pt. of s. 1.]

Sec. 114. General schedule. There shall be the following basic compensation schedule for the positions to which this chapter applies: a 'General Schedule', the symbol for which shall be 'GS', which shall supersede the professional and scientific service, the clerical, administrative, and fiscal service, the subprofessional service, the inspectional and investigational service, and the craft and custodial service schedules which were set forth in sections 112 through 116 inclusive of chapter 3, Revised Laws of Hawaii 1945, as amended, before July 1, 1951.

The annual rates of basic compensation with respect to officers, employees, and positions to which this chapter applies shall be in accordance with the following general schedule:

	First Step	Second Step	Third Step	Fourth Step	Fifth Step	Sixth Step	Seventh Step	Eighth Step	Ninth Step
GS- 1	\$2040	\$2120	\$2200	\$2280	\$2360	\$2440	\$2520	\$2600	\$2680
GS- 2	2370	2450	2530	2610	2690	2770	2850	2930	
GS- 3	2650	2730	2810	2890	2970	3050	3130		
GS- 4	2875	2955	3035	3115	3195	3275	3355		
GS- 5	3100	3225	3350	3475	3600	3725	3850		
GS- 6	3450	3575	3700	3825	3950	4075	4200		
GS- 7	3825	3950	4075	4200	4325	4450	4575		
GS- 8	4200	4325	4450	4575	4700	4825	4950		
GS- 9	4600	4725	4850	4975	5100	5225	5350		
GS-10	5000	5125	5250	5375	5500	5625	5750		
GS-11	5400	5600	5800	6000	6200	6400			
GS-12	6400	6600	6800	7000	7200	7400			
GS-13	7600	7800	8000	8200	8400	8600			
GS-14	8800	9000	9200	9400	9600	9800			
GS-15	10000	10250	10500	10750	11000				
GS-16	11200	11400	11600	11800	12000				

Whenever payment is made on the basis of a daily, hourly, weekly, or monthly rate, such rate shall be computed in the following manner: (1) by dividing the annual rate by twelve in order to find the monthly rate; (2) by dividing the annual rate by fifty-two in order to find the weekly rate; (3) by dividing the annual rate by fifty-two and again dividing the result thereof by forty in order to find the hourly rate; and (4) by multiplying the hourly rate by the number of daily hours of service required in order to find the daily rate.

For the purposes of this chapter, the fourth salary rate in grades 11, 12, 13, and 14 of the General Schedule shall be considered the middle rate, and the fifth salary rate in grade 2 of said schedule shall be considered the middle rate. [L. 1951, c. 320, pt. of s. 1.]

Sec. 115. Adjustments. As soon as the new schedule goes into effect, the rates of compensation of the officers and employees to whom this chapter applies shall be adjusted as follows:

(1) The basis for such adjustments shall be the compensation in effect for each officer and employee on June 30, 1951, exclusive of any bonus, plus the sum of \$25.00 per month. In the case of employees promoted, demoted, hired, or whose positions have been reclassified on or after July 1, 1951 and prior to the time the new schedule goes into effect, the basis shall be their compensation as determined under the territorial compensation schedules in effect on June 30, 1951, exclusive of any bonus, plus the sum of \$25.00 per month.

(2) If the employee was receiving compensation less than the minimum rate of the class in which his duties fall, the compensation shall be increased to that minimum rate.

(3) If the employee was receiving compensation within the range of salary prescribed for the appropriate class at one of the rates fixed therein, no change shall be made in the existing compensation.

(4) If the employee was receiving compensation within the range of salary prescribed for the appropriate class, but not at one of the rates fixed therein, the compensation shall be increased to the next higher rate.

(5) If the employee was receiving compensation in excess of the range of salary prescribed for the appropriate class, he shall continue to receive such compensation so long as he continues to serve in the position with substantially the same duties and responsibilities.

(6) If, after adjustment of compensation has been made as above, it is shown that no change has been made in an employee's rate of compensation, the compensation of such employee shall be further adjusted by the addition of one increment, to the next higher rate but not higher than the maximum rate, provided the employee has occupied the position for a period not less than twelve months prior to July 1, 1951, and has received no increase in compensation since July 1, 1951.

All such adjustments shall be retroactive to July 1, 1951, for those employees in service at the time the new schedule takes effect. No increments shall be paid to any employees between July 1, 1951 and the time the classification plan and pay schedule take effect. Further, after the new classification plan and pay schedule take effect the service anniversary date for all employees in service at that time shall be deemed to be July 1, 1951, or where there has

been an election to follow the fiscal year basis, the said anniversary date shall be January 1, 1951. If an employee becomes entitled to an increment under Sec. 116 before the new pay schedule takes effect, he shall be paid such increment at the time the said pay schedule takes effect. [L. 1951, c. 320, pt. of s. 1.]

Sec. 116. Compensation increases. (a) Each officer or employee, be he compensated on a per diem or per annum basis, and occupying a permanent position within the scope of the compensation schedule fixed by this chapter, who has not attained the maximum scheduled rate of compensation for the grade in which his position is placed, shall be advanced in compensation successively to the next higher rate as follows:

(1) In the case of employees in the service of the territory, at the end of each employee's year of service in a particular position and upon the attainment and maintenance of a requisite standard of efficiency (this basis being hereinafter referred to as the 'service anniversary basis'); **provided**, that the probationary period of an employee shall be considered as part of that year's service upon this basis.

(2) In the case of employees in the service of any county (including the city and county of Honolulu and all independent boards and commissions) (a) either on said service anniversary basis, or (b) in the following manner (hereinafter referred to as the 'fiscal year basis'): at the end of each fiscal year's service upon the attainment and maintenance of the requisite standard of efficiency; **provided** that employees in jurisdictions using the fiscal year basis who have completed their probationary period during the fiscal year shall be considered as having completed their fiscal year's service, for the purposes of this paragraph. The board of supervisors of each county and each independent board or commission not dependent for its funds upon the board of supervisors of the county, shall, within thirty days after July 1, 1951, by resolution requiring one reading, elect under which of said two bases—the service anniversary basis or the fiscal year basis—the employees under its jurisdiction shall be allowed said annual increments. Any such board may thereafter by similar resolution adopted before the beginning of any fiscal year, change from one to the other of such basis.

(b) Anything to the contrary in this chapter notwithstanding, the compensation of an employee shall not be increased:

(1) if monies have not been appropriated from which the increase may lawfully be paid; or

(2) more than one rate in any year; or

(3) to a rate higher than the maximum rate for the class to which his position is allocated; or

(4) if the service and conduct of such employee are not certified as being satisfactory by the department.

(c) The benefit of successive step-increases shall be preserved, under regulations to be issued in accordance with section 121, for officers and employees whose continuous service is interrupted in the public interest by service with the armed forces or by service in essential non-government civilian employment during a period of war or national emergency when such service is certified by proper authority. [L. 1951, c. 320, pt. of s. 1.]

Sec. 117. New appointments. (a) Subject to subsection (b) of this section, all new appointments shall be made at the minimum rate of the appropriate grade.

(b) Any provision of law to the contrary notwithstanding, if in endeavoring to recruit candidates for a position in the classified service the director of classification has exhausted all reasonable means of recruitment, including advertising once in each of three successive weeks in a newspaper of general circulation in the Territory of Hawaii, without procuring any candidate suitable for the position at the entrance rate of pay for the grade of such position, he shall be authorized to employ candidates for that position on a temporary basis at any higher rate of pay for the grade; and the appointing authority shall be authorized to appoint at such higher rate a candidate so recruited. If the director of classification shall be unable so to recruit any suitable candidate for the position at a higher rate of the grade, he shall be authorized with the governor's written approval to recruit a candidate for such a position on a temporary basis at a salary higher than the maximum for the grade, said salary to be fixed by the director of classification. All such temporary hiring shall be under special contract, and the contract shall provide that it will terminate as soon as a permanent employee is hired at the entrance rate of pay. [L. 1951, c. 320, pt. of s. 1.]

Sec. 118. Further provisions re basic compensation. (a) The rate of basic compensation to be received by those officers or employees to whom this chapter applies shall be governed by standards issued by the board when:

(1) Such officer or employee is transferred from a position in the territorial service to which this chapter does not apply;

(2) He is transferred from any position to which this chapter applies to another such position;

(3) He is demoted to a position in a lower grade;

(4) He is reinstated, reappointed, or reemployed;

(5) His type of appointment is changed;

(6) His employment status is otherwise changed; or

(7) His position is changed from one grade to another grade.

(b) Any officer or employee who is promoted or transferred to a position in a higher grade shall receive basic compensation at the lowest rate of such higher grade which exceeds his existing rate of basic compensation. If the officer or employee so promoted or transferred is receiving compensation at a rate in excess of the maximum scheduled rate for his grade under section 115 or section 125, or any other provision of law, and there is no rate in such higher grade which is above his existing rate of basic compensation, he shall receive (1) the maximum scheduled rate of such higher grade, or (2) his existing rate of basic compensation, if such existing rate is the higher. [L. 1951, c. 320, pt. of s. 1.]

Sec. 119. Efficiency ratings. (a) The board shall establish and may revise uniform systems of efficiency ratings for the appraisal of the service of officers and employees in positions in the classes and grades provided by this chapter. Such systems shall set forth degrees of efficiency which shall constitute ground for (1) the granting of increases in the rate of compensation, (2) continuance of existing rates of compensation, (3) decrease in the rate of compensation of officers and employees who at the time are above the middle rates for the grade in which their positions are placed, and (4) removal from the position or dismissal from the service.

(b) Each department shall rate in accordance with such systems the efficiency of each officer or employee under its jurisdiction. Ratings shall be open to inspection by the director of classification and his representatives and by officers and employees of the department in accordance with rules issued by the board. Each officer or employee shall have reviewed with him by the department a detailed report of his own rating prior to its transmittal to the director of classification.

(c) Reduction in compensation, removals from positions, or dismissals from the service shall be made by the departments whenever the efficiency ratings warrant. [L. 1951, c. 320, pt. of s. 1.]

Sec. 120. Appeals to the personnel classification board. Upon the taking effect of the new schedule in the case of efficiency ratings, and after June 30, 1953, in the case of matters pertaining to classification and reclassification, the said classification board shall be authorized to hear and decide appeals from these matters. The appeal shall be made within twenty days after notice of the decision of the director or department has been transmitted to the person affected by such decision and the classification board shall hear the appeal in a manner similar to that provided in section 75. In the hearing and determination of the matters within the scope of this subtitle, the classification board and each member thereof shall have such powers as may be otherwise provided by law with regard to compelling the attendance of witnesses and administering oaths to witnesses and, as to all such matters within the scope of his authority the director shall have similar powers. [L. 1951, c. 320, pt. of s. 1.]

Sec. 121. Regulations. The board is hereby authorized to issue, subject to the approval of the governor, such regulations as may be necessary for the administration of this chapter. [L. 1951, c. 320, pt. of s. 1.]

Sec. 122. Annual report. Commencing with the year 1953, the director of classification shall prepare and submit to the governor an annual report with respect to the rates of compensation under, and the administration of, this chapter. The governor shall submit a report to the legislature at each regular session thereof which shall contain, among other matters, such recommendations, based upon the report of the director of classification, as he may deem advisable. [L. 1951, c. 320, pt. of s. 1.]

Sec. 123. No discrimination. In the administration of this chapter, there shall be no discrimination with respect to any person, or with respect to the position held by any person, on account of sex, marital status, race, color or creed. [L. 1951, c. 320, pt. of s. 1.]

Sec. 124. Veteran preference not affected. Nothing in this chapter shall be construed to affect the application to officers and employees to whom this chapter applies of

the veteran-preference provision of the civil service law. [L. 1951, c. 320, pt. of s. 1.]

Sec. 125. Certain positions. With respect to any position which on June 30, 1951, was not subject to chapter 3 of the Revised Laws of Hawaii 1945 as it existed on June 30, 1951, (including, among others, positions in grades 15 and 16 of the clerical, administrative and fiscal service, grades 8 and 9 of the professional service, and grade 13 of the inspectional service referred to in Defense Rule 88), but to which this chapter applies, this chapter shall take effect on July 1, 1951. An officer or employee occupying any such position on such effective date, and receiving basic compensation on June 30, 1951, at a rate in excess of the appropriate rate of the grade in which such position is placed, shall continue to receive basic compensation without change in rate until (1) he leaves such position, or (2) he is entitled to receive basic compensation at a higher rate by reason of the operation of sections 110 or 116. When such position is vacated by such officer or employee, the rate of basic compensation of any subsequent appointee shall be fixed in accordance with this chapter. [L. 1951, c. 320, pt. of s. 1.]

Sec. 126. Reference. Whenever reference is made in any other law to the classification law, such reference shall be held and considered to mean this chapter. Whenever reference is made in any other law to a grade in the classification law such reference shall be held and considered to mean the corresponding grade shown in section 114 of this chapter. [L. 1951, c. 320, pt. of s. 1.]

Sec. 127. Services to political subdivisions. Subject to rule, on and after the date the new schedule goes into effect the director of classification may enter into agreements with any political subdivision of the territory to furnish services and facilities to such political subdivision in the administration of the provisions of this chapter. Any such agreement shall provide for the reimbursement to the territory of the reasonable cost of the services and facilities furnished, as determined by the director of classification. All political subdivisions are hereby authorized to enter into such agreements. [L. 1951, c. 320, pt. of s. 1.]

CITY AND COUNTY OF HONOLULU

Sec. 128. Application of this chapter. This chapter shall apply to all positions the compensation for which is paid

directly from funds under the control of the city and county of Honolulu or any independent board or commission thereof, including positions the compensation for which is specifically fixed by any other law; **provided**, however, that this chapter shall not apply to:

- (1) Positions of officers elected by public vote;
- (2) Positions of heads of departments whose appointments are made by the mayor with the approval of the board of supervisors and the position of manager of the board of water supply; and positions of deputy city and county attorneys and assistant public prosecutors if and while exempted from classification under this chapter by order of the mayor, approved by the board of supervisors;
- (3) Positions of members of any board or commission;
- (4) Positions filled by inmates, patients, or students in city and county institutions or in the schools;
- (5) Positions of district magistrates, jurors, jury commissioners and witnesses;
- (6) Positions filled by persons employed by contract to render a special or temporary service for the city and county where such contract is certified by the director of classification to be for a service which from its nature can better be performed by other than a classified employee; and
- (7) Positions filled by persons employed locally on a fee, contract or piecework basis who may lawfully perform their duties concurrently with their private business or profession or other private employment and whose duties require only a portion of their time, if it is impracticable to ascertain or anticipate the portion of time devoted to the service of the city and county. [L. 1951, c. 320, pt. of s. 1.]

Sec. 129. Provisions of previous sections applicable; charter provisions subject to this chapter. All of the provisions of sections 101 and 102 and sections 105 to 127 of this chapter not by their terms inapplicable shall apply with equal force to the city and county as the same apply to the territory; and for the purposes of this section, the term 'territory' or any term of like import whenever it appears in said sections shall include and mean the city and county; the term 'governor' shall mean the mayor of the city and county; the term 'legislature' shall mean the board of supervisors of the city and county; the term 'personnel classification board' and other terms of like import shall mean the civil service commission of the city and county, and the term 'director of classification' or other terms of

like import shall mean the personnel director of the city and county.

In the event of any inconsistency between this chapter and the provisions of sections 6585 to 6587 inclusive or any other provisions of chapter 127, the provisions of this chapter shall control. The mayor, board of supervisors, controller, any independent board having control of its own funds, and other officers of the city and county charged with the performance of any duties concerning the enforcement of the provisions of this chapter, shall have power to perform such acts at such times and in such manner as may be necessary to give full effect to the provisions of this chapter, any provisions of said chapter 127 or of any other law to the contrary notwithstanding. [L. 1951, c. 320, pt. of s. 1.]

COUNTY OF MAUI

Sec. 130. Application of this chapter. This chapter shall apply to all positions the compensation for which is paid directly from funds under the control of the county of Maui or any independent board or commission thereof, including positions the compensation for which is specifically fixed by any other law; **provided**, however, that this chapter shall not apply to:

- (1) Positions of officers elected by public vote;
- (2) Positions of heads of departments whose appointments are made by the chairman of the board of supervisors with the approval of the board of supervisors; and positions of deputy county attorneys if and while exempted from classification under this chapter by order of said chairman, approved by the board of supervisors;
- (3) Positions of members of any board or commission;
- (4) Positions filled by inmates, patients, or students in county institutions or in the schools;
- (5) Positions of district magistrates, jurors, jury commissioners and witnesses;
- (6) Positions filled by persons employed by contract to render a special or temporary service for the county where such contract is certified by the director of classification to be for a service which from its nature can better be performed by other than a classified employee; and
- (7) Positions filled by persons employed locally on a fee, contract or piecework basis who may lawfully perform their duties concurrently with their private business or profession or their private employment and whose duties require only a portion of their time, if it is imprac-

ticable to ascertain or anticipate the portion of time devoted to the service of the county. [L. 1951, c. 320, pt of s. 1.]

Sec. 131. Provisions of previous sections applicable. All of the provisions of sections 101 and 102 and sections 105 to 127 of this chapter shall, unless by their terms they are expressly inapplicable, apply to the county of Maui; and for the purposes of this chapter, and for the purposes of this section, the term 'territory' or any term of like import, shall in such event mean and include the county of Maui; the term 'governor' shall mean the chairman of the board of supervisors of said county; the term 'legislature' shall mean the board of supervisors of said county; the term 'personnel classification board' and other terms of like import shall mean the civil service commission of the county of Maui; and the term 'director of classification' or other terms of like import shall mean the personnel director of the county. [L. 1951, c. 320, pt. of s. 1.]

COUNTY OF KAUAI

Sec. 132. Application of this chapter. This chapter shall apply to all positions the compensation for which is paid directly from funds under the control of the county of Kauai or any independent board or commission thereof, including positions the compensation of which is specifically fixed by any other law; **provided**, however, that this chapter shall not apply to:

- (1) Positions of officers elected by public vote;
- (2) Positions of heads of departments whose appointments are made by the chairman of the board of supervisors with the approval of the board of supervisors; and the positions of deputy county attorneys if and while exempted from classification under this chapter by order of said chairman, approved by the board of supervisors;
- (3) Positions of members of any board or commission;
- (4) Positions of district magistrates, jurors, jury commissioners and witnesses;
- (5) Positions filled by inmates, patients, or students in county institutions or in schools;
- (6) Positions filled by persons employed by contract to render a special or temporary service for the county where such contract is certified by the director of classification to be for a service which from its nature can better be performed by other than a classified employee; and
- (7) Positions filled by persons employed locally on a fee, contract or piecework basis who may lawfully perform

their duties concurrently with their private business or profession or other private employment and whose duties require only a portion of their time, if it is impracticable to ascertain or anticipate the portion of time devoted to the service of the county. [L. 1951, c. 320, pt. of s. 1.]

Sec. 133. Provisions of previous sections applicable. All of the provisions of sections 101 and 102 and sections 105 to 127 of this chapter shall, unless by their terms they are expressly inapplicable, apply to the county of Kauai; and for the purposes of this chapter, and for the purposes of this section, the term 'territory' or any term of like import, shall in such event mean and include the county of Kauai; the term 'governor' shall mean the chairman of the board of supervisors of said county; the term 'legislature' shall mean the board of supervisors of said county; and the term 'personnel classification board' and other terms of like import shall mean the civil service commission of the county of Kauai; and the term 'director of classification' or terms of like import shall mean the personnel director of the county. [L. 1951, c. 320, pt. of s. 1.]

COUNTY OF HAWAII

Sec. 134. Application of this chapter. This chapter shall apply to all positions the compensation for which is paid directly from funds under the control of the county of Hawaii or any independent board or commission thereof, including positions the compensation of which is specifically fixed by any other law; **provided**, however, that this chapter shall not apply to:

- (1) Positions of officers elected by public vote;
- (2) Positions of head of departments whose appointments are made by the chairman of the board of supervisors with the approval of the board of supervisors; and positions of deputy county attorneys if and while exempted from classification under this chapter by order of said chairman, approved by the board of supervisors;
- (3) Positions of members of any board or commission;
- (4) Positions filled by inmates, patients, or students in county institutions or in schools;
- (5) Positions of district magistrates, jurors, jury commissioners and witnesses;
- (6) Positions filled by persons employed by contract to render a special or temporary service for the county where such contract is certified by the director of classification to

be for a service which from its nature can better be performed by other than a classified employee;

(7) Positions filled by persons employed locally on a fee, contract or piecework basis who may lawfully perform their duties concurrently with their private business or profession or other private employment and whose duties require only a portion of their time, if it is impracticable to ascertain or anticipate the portion of time devoted to the service of the county. [L. 1951, c. 320, pt. of s. 1.]

Sec. 135. Provisions of previous sections applicable. All of the provisions of sections 101 and 102 and sections 105 to 127 of this chapter shall, unless by their terms they are expressly inapplicable, apply to the county of Hawaii; and for the purpose of this chapter, and for the purpose of this section, the term 'territory' or any term of like import, shall in such event mean and include the county of Hawaii; the term 'governor' shall mean the chairman of the board of supervisors of said county; and the term 'personnel classification board' and terms of like import shall mean the civil service commission of the county of Hawaii, and the term 'director of classification' or terms of like import shall mean the personnel director of the county. [L. 1951, c. 320, pt. of s. 1.]

Sec. 136. [Repeal of other laws.] All laws or parts of laws inconsistent with this chapter are hereby repealed to the extent of such inconsistency." [L. 1951, c. 320, pt. of s. 1.]

Section 2. The salary standardization board, with the assistance and cooperation of the directors of classification of the territory and of the several counties, shall make a study of the problem of additional compensation for employments involving hazardous working conditions, physical hardships, or isolated locations within the territorial and county classified services. It shall submit a report to the members of the legislature not later than February 1, 1953, setting forth its findings and such recommendations (including specific recommendations for legislation) as it may deem advisable for a future policy and plan with respect to additional compensation for such employments.

Section 3. The salary standardization board, with the assistance and cooperation of the directors of classification of the territory and of the several counties, shall make a study of efficiency rating systems now in effect in the territory and counties and shall submit a report to the members of the legislature on or before February 1, 1953, setting forth its findings as to

the operation and administration of such systems and the systems created by the board under this Act together with such recommendations (including specific recommendations for legislation) as it may deem advisable with respect to such systems.

Section 4. Appropriation. Sufficient funds are hereby appropriated from the general revenues of the Territory of Hawaii, not otherwise appropriated, to meet the payments required to be made by the territory under this Act. There is also appropriated from the general revenues of the territory the sum of fifty thousand dollars (\$50,000.00) or so much thereof as may be necessary, for the biennium beginning July 1, 1951 and ending June 30, 1953, to be available to the salary standardization board for carrying out the purposes of this Act. The sum so appropriated shall be expended upon vouchers approved by the auditor, based upon warrants approved by the chairman of the board. The base pay increases and bonuses granted by the Public Salary and Bonus Laws of 1945 (Series A-4: Act 263) and of 1947 (Series A-4: Act 208) or by any law enacted by the twenty-sixth legislature shall not be applicable or payable to any of the officers and employees whose salaries are fixed by this Act after the new classification plan and pay schedule go into effect as provided in the Act, and thereafter, any unexpended appropriation or portion of appropriation for such bonus which, had the new plan and schedule not gone into effect, would be payable to the said officers and employees, shall be deemed appropriated for the salaries provided for under such new plan and schedule, in addition to any other appropriation for such purpose.

Section 5. All unexpended and unencumbered balances of the appropriations made by this Act as of the close of business on June 30, 1953 shall lapse into the general fund of the territory.

Section 6. This Act shall take effect on July 1, 1951; provided, however, that the members of the salary standardization board herein created may be appointed and may engage in the exercise of their functions, including expenditure of the funds herein appropriated for the said board, upon approval of this Act by the governor; provided further that pending the taking effect of the new classification plan and pay schedule as provided in this Act, the provisions of chapter 3, as it existed on June 30, 1951, shall be deemed to remain in effect.

(Approved June 15, 1951.) **H.B. 151, Act 320.**

Chapter 6. ELECTIONS: GENERAL.

§ 177. Official register. Am. L. 1949, Act 309 [A-4].

§ 178. Application of elector. Am L. 1947, Act 151 [A-5].

§ 193. Number, appointment, vacancies. AM. L. 1949, Act 399 [A-5]; Am. Sp. L. 1949, Act 12 [A-3], rewritten p. 4.

§ 197. Clerk. AM. L. 1949, Act 399 [A-5].

Series A-4: ACT 309

An Act to Amend Section 200.01 of the Revised Laws of Hawaii 1945, as Enacted by Act 399 of the Session Laws of Hawaii 1949, Relating to Voting Booths or Units.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 200.01 of the Revised Laws of Hawaii 1945, as enacted by Act 399 of the Session Laws of Hawaii 1949, is hereby amended to read as follows:

"Sec. 200.01. Voting booths or units. Immediately after the closing of the registration of voters preceding any election, the governor shall establish a voting booth or unit in each precinct. The governor may establish one or more additional booths or units in a precinct, such voting booths or units to be in the same vicinity within such precinct. Each voting booth or unit in a precinct having more than one voting booth or unit shall be designated by the number of its precinct followed by a dash and a letter, beginning with the letter 'A'. It shall be the duty of the county clerk in preparing the list of registered electors to divide said electors, on an alphabetical basis, as nearly as may be on an equal basis between or among such voting booths or units." [L. 1949, c. 399, s. 1(2); am. L. 1951, c. 309, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved June 12, 1951.) H.B. 1080, Act 309.

§ 217. Opening polls. Am. L. 1947, Act 159 [A-8], rewritten p. 10.

§ 225. Disabled voter. Am. L. 1947, Act 155 [A-9].

Series A-5: ACT 263

An Act Relating to Absentee Voters; Amending Section 227 of the Revised Laws of Hawaii 1945, As Amended.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 227 of the Revised Laws of Hawaii 1945, as amended, is hereby amended to read as follows:

"Sec. 227. Absentee voters. Any registered voter who will be prevented from voting by reason of absence from the county in which he is registered, may cast his ballot with the county clerk within the period of five days next preceding any primary, general or special election.

Any registered voter in the county of Kalawao, or in the district of Molokai, Lanai, or Hana, or in the district of North Kona, South Kona, North Kohala, or South Kohala, who will be prevented from voting by reason of absence from such county or from such district, may cast his ballot with the district magistrate of such county or of such district in which he is registered to vote within the period of five days next preceding any primary, general or special election.

The ballots of all such voters shall be cast in the following manner:

Every official, with whom a ballot is to be cast as in this section provided, shall require an affidavit from said voter setting forth the facts entitling him to vote prior to the election, and shall place in an envelope an official ballot folded so as to conceal the names of the candidates thereon. The voter shall thereupon, in the usual manner provided by law and in a place apart from any other person, mark his ballot; place it in the envelope; seal the same; and sign his name thereon as proof that he has voted; and shall immediately thereafter deliver the envelope to the county clerk (or district magistrate, as the case may be) who, prior to the closing hour for voting, shall deliver, or cause to be delivered, the envelope to the inspectors of election of such voter's precinct.

Not less than seven days prior to the date of any election the respective county clerks shall deliver to each district magistrate before whom any absentee voter may cast his ballot, not less than two hundred ballots.

In case such voter is a disabled voter as defined in section 225, the county clerk or district magistrate, as the case may be, shall, if so requested by him, assist such voter in the

marking of his ballot and the writing of his name upon the envelope, and shall place upon the envelope a notation that he has so assisted such voter." [L. 1923, c. 263, ss. 1, 4; R. L. 1925, s. 119, R. L. 1935, pt. of s. 7695; am. L. 1937, c. 99, ss. 1-3; R. L. 1945, s. 227, am. L. 1945, c. 99, s. 1; am. L. 1949, c. 158, s. 1; am. L. 1951, c. 263, s. 1.]

Section 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved June 5, 1951.) S.B. 109, Act 263.

§ 229.01. Persons confined at home, etc. NEW, L. 1947, Act 242 [A-10].

Series A-6: ACT 308

An Act to Amend Section 247 of the Revised Laws of Hawaii 1945, as Amended, Relating to Elections.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 247 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended to read as follows:

"Sec. 247. **Expenses.** The members of the board of registration shall be paid twelve dollars a day of not less than six hours, for each day of actual service; and to the election inspectors, other than chairman in voting booths or units of not more than two hundred registered electors, the sum of fifteen dollars each, in voting booths or units of more than two hundred and not more than four hundred registered electors, the sum of twenty dollars each, in voting booths or units of more than four hundred registered electors, the sum of twenty-five dollars each, and to the chairman of the board of election inspectors for each precinct a sum equal to five dollars more than the amount herein provided for each of the other members of such board, for each election held. The election inspectors, as well as the necessary expenses of preparing the polls and holding the election, which expenses shall not include the cost of refreshments, shall be paid out of such appropriations as may be made by the legislature for election purposes, in the case of territorial elections, or combined territorial and county elections, and out of such appropriations as may be made by the board of supervisors, in the case of county elections." [C.L. p. 824, s. 115;

am. Org. Act, s. 64; am. L. 1919, c. 17, s. 1; am. L. 1921, c. 6, s. 1; R. L. 1925, s. 134; am. L. 1931, c. 72, s. 1; R. L. 1935, s. 7710; R. L. 1945, s. 247; am. L. 1945, c. 81, s. 2; am. L. 1951, c. 308, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved June 12, 1951.) H.B. 1079, Act 308.

§§ 249, 250. Expense statements. AM. L. 1947, Act 159 [A-8].

VOTING MACHINES.

§§ 251.01-.22. Voting machines. NEW, L. 1949, Act 318 [A-7].

Chapter 7. ELECTIONS: PRIMARY.

§ 265. Nomination papers. Am. L. 1947, Act 152 [A-11].

§§ 270, 273, 275, 276. Closed primary. Am. L. 1949, Act 51 [A-8], rewritten pp. 21-23.

Series A-7: ACT 310

An Act to Amend Section 284 of the Revised
Laws of Hawaii 1945, Relating to Elections.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 284 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 284. Party represented by whom: Not less than thirty days before the holding of a primary, each party shall submit to the secretary of the territory and to the respective county clerks, as the case may be, a list of officers of the central committee and a list of officers of its respective county committees." [L. 1913, c. 151, s. 19; R. L. 1925, s. 50; R. L. 1935, s. 7743; R. L. 1945, s. 284; am. L. 1951, c. 310, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved June 12, 1951.) H.B. 1081, Act 310.

Chapter 8. EMINENT DOMAIN.

Series A-8: ACT 12

An Act Relating to Eminent Domain.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 8 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended in the following respects:

(a) By adding thereto a new section numbered 300.01, reading as follows:

"Sec. 300.01. Definitions. In this chapter, except where the context otherwise requires:

1. 'Territory' means the Territory or any agency of the Territory duly authorized to exercise the power of eminent domain.

2. 'County' means a county (except the county of Kalawao) and any agency of a county, including the board of water supply thereof, duly authorized to exercise the power of eminent domain.

3. 'Plaintiff' means the Territory or any county or the public utility or other authority duly authorized to exercise the power of eminent domain." [L. 1951, c. 12, s. 1(a).]

(b) By amending section 301 thereof to read as follows:

"Sec. 301. Taking private property for public use. Private property may be taken for public use. Private property may also be taken by the Territory or any county in excess of that needed for such public use in cases where small remnants would otherwise be left or where other justifiable cause necessitates such taking to protect and preserve the contemplated improvement, or public policy demands such taking in connection with such improvement, in which case the condemning authority may sell or lease such excess property, with such restrictions as may be dictated by considerations of public policy in order to protect and preserve such improvements; **provided**, however, that when any such excess property shall be so disposed of, it shall first be offered to the abutting owner or owners for a reasonable length of time and at a reasonable price and if such owner or owners fail to take the same, then it may be sold at public auction, but nothing in this proviso contained shall be deemed to require any disposition contrary to the mandatory provisions of the Hawaiian Organic Act. All moneys received from the sale or lease of

such excess property shall be paid into the fund or appropriation from which money was taken for the original condemnation and shall be available for the purposes of such fund or appropriation." [L. 1896, c. 45, s. 1; am. L. 1909, c. 10, s. 1; R. L. 1925, s. 808; am. L. 1925, c. 59, s. 1; R. L. 1935, s. 50; am. L. 1941, c. 149, s. 1; R. L. 1945, s. 301; am. L. 1945, c. 185, s. 1; am. L. 1951, c. 12, s. 1(b).]

(c) By amending section 302 thereof to read as follows:

"Sec. 302. Right of eminent domain. The right and power of eminent domain is hereby granted to every person, natural or artificial, operating a public utility, and engaged in the transportation of passengers or freight or any commodity by rail or by bus, or by any other means, or the conveyance or transmission of telephone messages, or the production, conveyance, transmission, delivery or furnishing of electricity, power, water, gas or oil, within the Territory, as well as to corporations designated in section 323, which right and power shall be exercised only in compliance with, and under, the conditions and procedures set forth in this chapter." [L. 1896, c. 45, s. 6; R. L. 1925, s. 809; R. L. 1935, s. 51; R. L. 1945, s. 302; am. L. 1951, c. 12, s. 1(c).]

(d) By amending section 303 thereof to read as follows:

"Sec. 303. Fee simple or lesser estate may be acquired. In the taking of private property for a public use, a fee simple estate or any lesser estate may be acquired." [L. 1896, c. 45, s. 2; R. L. 1925, s. 810; R. L. 1935, s. 52; R. L. 1945, s. 303; am. L. 1951, c. 12, s. 1(d).]

(e) By amending section 304 thereof to read as follows:

"Sec. 304. What property may be taken. Property which may be taken by virtue of this chapter includes all real estate belonging to any person, together with all structures and improvements thereon, franchises or appurtenances thereunto belonging, water, water rights and easements of every nature." [L. 1896, c. 45, s. 3; am. L. 1898, c. 62, s. 1; R. L. 1925, s. 811; R. L. 1935, s. 53; R. L. 1945, s. 304; am. L. 1951, c. 12, s. 1(e).]

(f) By adding thereto a new section numbered 304.01, reading as follows:

"Sec. 304.01. Superior public use. Property already appropriated to some public use may be taken by the Territory or a county in the manner and under the conditions provided by chapter 8.01. An easement over, across or under property owned by other than the Territory or a county and devoted to public use may be taken by any other person enjoying the

right of eminent domain where such taking will not substantially impair the use for which such property has previously been appropriated." [L. 1951, c. 12, s. 1(f).]

(g) By amending section 305 thereof to read as follows:

"Sec. 305. Entering and surveying land. Any agent or servant of a plaintiff may, for the purpose of locating or surveying land to be condemned in accordance with the provisions of this chapter, enter upon the same and make examinations and surveys, and such entry shall not constitute a cause of action in favor of the owner of the land, except for damages resulting from wilful acts or negligence on the part of such agent or servant." [L. 1896, c. 45, s. 7; am. L. 1917, c. 108, s. 1; R. L. 1925, s. 812; R. L. 1935, s. 54; R. L. 1945, s. 305; am. L. 1951, c. 12, s. 1(g).]

(h) By amending section 308 thereof, as amended, to read as follows:

"Sec. 308. Exercise of power by county. Whenever any county shall deem it advisable or necessary to exercise the right of eminent domain in the furtherance of any governmental power heretofore or hereafter granted, such proceedings may be instituted as provided in section 309 after the governing authority (board of supervisors of the county as such, or other governing board in the case of an independent board having control of its own funds) of the county has authorized such suit by resolution duly passed, or adopted and approved, as the case may be. Such resolution, in the case of the city and county of Honolulu or any such independent board thereof, shall, after its introduction, be published in a daily newspaper with the ayes and noes, once (Sundays and legal holidays excepted) at least three days before final action upon the same, and in the case of any other county or any such independent board thereof, be published in a newspaper with the ayes and noes, for at least one day (Sundays and legal holidays excepted), before final action upon the same." [L. 1919, c. 63, s. 1; am. L. 1923, c. 48, s. 1; R. L. 1925, s. 815; am. imp. L. 1933, c. 98, s. 2; R. L. 1935, s. 57; R. L. 1945, s. 308; am. L. 1951, c. 12, s. 1(h).]

(i) By amending section 309 thereof, as amended, to read as follows:

"Sec. 309. Plaintiff. The attorney general of the Territory may, at the request of the head of any department of the Territory, or as otherwise provided by law, institute proceedings for the condemnation of property as provided

for in this chapter. And any county may institute proceedings in the name and on behalf of such county for the condemnation of property within such county for any of the purposes as provided in this chapter which are within the powers heretofore or hereafter granted to the county." [L. 1896, c. 45, s. 4; am. L. 1917, c. 108, s. 2; R. L. 1925, s. 816; R. L. 1935, c. 58; R. L. 1945, s. 309; am. L. 1947, c. 200, s. 1(c); am. L. 1951, c. 12, s. 1(i).]

(j) By amending **section 316*** thereof by deleting from said section the fourth sentence thereof which reads:

"If the plaintiff shall fail to make such payment as aforesaid, the defendant shall be entitled to recover his costs of court, reasonable expenses and such damage as may have been sustained by him by reason of the bringing of the proceedings."

and by inserting in lieu thereof the following:

"If the plaintiff shall fail to make such payment as aforesaid, the defendant shall be entitled to recover judgment as provided in section 318."

* § 316, as so amended reads:

Sec. 316. Payment of judgment, penalties. The plaintiff must within two years after final judgment pay the amount assessed as compensation or damages and upon failure so to do all rights which may have been obtained by such judgment shall be lost to the plaintiff; and if such payment shall be delayed more than thirty days after final judgment, then interest shall be added at the rate of five per centum per annum. Such payment shall be made to the clerk of the court rendering the judgment. The plaintiff shall within thirty days after such payment deposit in the mails of the United States a written notice addressed to the defendants, who have filed answers or appeared in court in the proceedings, or to their attorneys of record in the proceedings, if so represented, at their last known address, that such payment has been made, and the clerk of the court shall distribute the same to those entitled thereto in accordance with the order of the court. If the plaintiff shall fail to make such payment as aforesaid, the defendant shall be entitled to recover judgment as provided in section 318. If the plaintiff shall fail to give written notice of any such payment as aforesaid interest shall be added on the amount thereof at the rate of five per centum per annum until such written notice shall have been placed in the mails as aforesaid or until the defendant shall have received from the clerk of court the amount thereof to which he is entitled under the terms of the order of court, whichever event shall first occur. [L. 1896, c. 45, s. 17; R. L. 1925, s. 823; R. L. 1935, s. 65; am. L. 1937, c. 184, s. 3; am. L. 1941, c. 55, s. 1; R. L. 1945, s. 316; am. L. 1951, c. 12, s. 1 (j).]

(k) By amending section 318* thereof:

(1) By deleting from the tenth and eleventh lines of said section the words:

"a reasonable amount to cover attorney's fees paid by him in connection therewith",

and by inserting in lieu thereof the following:

"his costs of court, a reasonable amount to cover attorney's fees paid by him in connection therewith, and other reasonable expenses;".

(2) By adding to said section, at the end thereof, the following:

"In the event judgment shall be entered in favor of the defendant and against the plaintiff, any moneys which shall have been paid, and any additional security which shall have been furnished, by the plaintiff to the clerk of the court under the provisions of section 319, shall be applied or

* § 318, as so amended reads:

Sec. 318. Defendant allowed damages upon abandonment or dismissal of proceedings. Whenever any proceedings instituted under the provisions of this chapter are abandoned or discontinued before reaching final judgment, or if, for any cause, the property concerned shall not be finally taken for public use, a defendant who would have been entitled to compensation or damages had such property been finally taken, shall be entitled, in such proceedings, to recover from the plaintiff all such damage as may have been sustained by him by reason of the bringing of the proceedings and the possession by the plaintiff of the property concerned if such possession has been awarded including his costs of court, a reasonable amount to cover attorney's fees paid by him in connection therewith, and other reasonable expenses; and the possession of the property concerned shall be restored to the defendant entitled thereto. Issues of fact arising in connection with any claim for such damage shall be tried by the court without a jury unless a trial by jury shall be demanded by either party, pursuant to the provisions of section 10106, within ten days from the date of the entry of an order or judgment allowing the discontinuance of the proceedings, or dismissing the proceedings or denying the right of the plaintiff to take the property concerned for public use. In the event judgment shall be entered in favor of the defendant and against the plaintiff, any moneys which shall have been paid, and any additional security which shall have been furnished, by the plaintiff to the clerk of the court under the provisions of section 319, shall be applied or enforced toward the satisfaction of such judgment. In the case of the Territory or a county, if the moneys so paid to the clerk of the court be insufficient, then the balance of such judgment shall be paid from any moneys available or appropriated for the acquisition of the property concerned, or if that be insufficient then the same shall be and is hereby authorized and required to be paid from the general fund of the Territory or county, as the case may be. [L. 1929, c. 230, s. 1; R. L. 1935, s. 67; am. L. 1937, c. 184, s. 4; R. L. 1945, s. 318; am. L. 1951, c. 12, s. 1 (k).]

enforced toward the satisfaction of such judgment. In the case of the Territory or a county, if the moneys so paid to the clerk of the court be insufficient, then the balance of such judgment shall be paid from any moneys available or appropriated for the acquisition of the property concerned, or if that be insufficient then the same shall be and is hereby authorized and required to be paid from the general fund of the Territory or county, as the case may be."

(1) By amending section 319 thereof, as amended, to read as follows:

"Sec. 319. Possession pending action; by plaintiff when; interest. 1. At any time after the service of summons the court shall have power, upon motion of the plaintiff and upon notice to the defendant, to issue an order putting the plaintiff in possession of the land sought to be condemned and permitting the plaintiff to do such work thereon as may be required for the purpose for which the taking of the land is sought. Such motion shall contain a statement of the reasons for requiring an immediate occupation of the land sought to be condemned and a statement of the sum of money estimated by the plaintiff to be just compensation or damages for the taking of such land. Upon the filing of such motion the court shall issue an order directed to the defendants and returnable not more than twenty days from the date of the filing of the motion, requiring said defendants to appear and show cause why the motion should not be granted. The court may require proof by affidavit or otherwise of the right of the plaintiff to maintain the action and of the facts set forth in the motion and shall grant or deny the motion as the public interest and the rights of the parties may require.

Where the plaintiff is not the Territory or a county, the court may, upon motion of any defendant and good cause shown therefore, require the deposit with the clerk of the court, of such additional amount of money, or of a surety bond approved by the court in such additional amount, as the court deems necessary to reasonably secure the defendant or defendants in the collection of the final award which may be made thereafter, taking into consideration the adequacy of the initial estimate, the financial responsibility of the plaintiff and other pertinent circumstances.

2. If the plaintiff is the Territory or any county, the following alternative procedure may be followed: At any time after the commencement of an action pursuant to this chapter, the Territory or any county may file a motion for an order of possession invoking this subsection and sup-

ported by an affidavit alleging, or by oral evidence prima facie showing, (a) the right of the Territory or county to maintain the action, (b) the public use for which the real property sought to be condemned is being taken, and (c) the sum of money estimated by the Territory or county to be just compensation or damages for the taking of such real property. Upon such motion and upon payment of said sum of money to the clerk of the court for the use of the persons entitled thereto, the court shall issue an order ex parte putting the Territory or county in possession of the real property sought to be condemned and permitting the Territory or county to do such work thereon as may be required for the purpose for which the taking of the property is sought. Such order placing the Territory or county in possession shall become effective upon the expiration of ten days after service thereof; **provided**, however, that for good cause shown within said ten days, the court may vacate or modify the order or postpone the effective date thereof for an additional period of time. Service of the order shall be made personally on those defendants who are in actual possession, and in other cases may be made by depositing a copy thereof in a United States post office, postage prepaid, registered mail, addressed to such defendants at their last known addresses, or to their attorneys of record.

3. No order of possession shall issue unless the plaintiff shall have paid to the clerk of the court issuing the order, for the use of the persons entitled thereto, the amount of the estimated compensation or damages stated in the motion for the issuance of such order and, in the case of a plaintiff other than the Territory or a county, shall have so paid such additional amount, or furnished such additional security, as may be required by the court.

No order of possession issued pursuant to this section shall become effective until summons in the action shall have been served personally on such defendants in the action as are available for personal service and if any defendants in the action are not served personally, until the first publication of the summons directed to such defendants shall have occurred as provided in section 10061.

4. Upon the application of the parties entitled thereto the court may order that the amount of the estimated compensation or damages stated in such motion and paid to the clerk of the court as aforesaid, or any part thereof, be paid forthwith for or on account of the just compensation to be awarded in said proceedings; **provided**, that if an addi-

tional deposit of money shall have been paid to said clerk pursuant to the foregoing provisions of this section, the amount of such additional deposit or of any portion thereof, shall not, without the consent of the plaintiff, be paid to such party. A payment to any party as aforesaid shall be held to constitute an abandonment by such party of all defenses interposed by him, excepting his claim for greater compensation or damages. If the compensation or damages finally awarded in respect of said land or any parcel thereof shall exceed the amount of the money so received by any person entitled, the court shall enter judgment for the amount of the deficiency. The unexpended moneys and any additional security so deposited with the clerk of the court shall be available for, or for enforcement of, the payment of any final judgment awarded by the court.

5. At any time after judgment has been rendered in the circuit court for or in favor of the plaintiff, or pending an appeal to the supreme court by either plaintiff or defendant, the plaintiff, if not already in possession of the land sought to be condemned under an order entered pursuant to the provisions of subsections 1 and 2 of this section, may be put into possession thereof upon the payment to the clerk of the court of the amount assessed as compensation or damages and such further sum as may be required by the court as a fund to pay any further compensation or damages that may be awarded as well as all damages that may be sustained by the defendant if for any cause the property shall not be finally taken for public use. Upon such payment, the court shall make an order putting plaintiff into possession of the property sought to be condemned with the right to use the same during the pendency of and until the final conclusion of the litigation. If the plaintiff shall have appealed to the supreme court such amount shall be held by the clerk until the entry of final judgment and such final judgment shall include, as part of the just compensation and damages awarded, interest at the rate provided in section 316 from the date of the order letting plaintiff into possession as aforesaid. If the defendant who is entitled to the amount of money assessed as compensation or damages and paid into court under the provisions of this subsection shall have appealed to the supreme court, such defendant shall have the right to demand and receive payment of the same at any time thereafter, upon filing a receipt therefor and an abandonment of all defenses to the action or proceeding except as to the amount of compensation or damages that he may be entitled to in the event that a new trial shall be granted.

6. If an order be made letting the plaintiff into possession as provided for in this section, the final judgment shall include, as part of the just compensation and damages awarded, interest at the rate provided in section 316 from the date of such order until paid by the plaintiff, **provided**, however, that except in the case of an appeal by the plaintiff as hereinabove provided, interest shall not be allowed upon any sum or sums paid by the plaintiff to the clerk of the court as aforesaid from the date of such payment. The court shall have power to fix and include in such order or judgment the time within which and the terms upon which the parties in possession shall be required to surrender possession to the plaintiff. The court shall have power to make such orders in respect of encumbrances, liens, rentals, taxes, assessments, insurance and other charges, if any, as shall be just and equitable.

7. If the defendant in his answer, or in return to the order to show cause, issued under subsection 1 of this section, shall deny that the use for which the property sought to be condemned is a public use, or a superior public use within the meaning of section 304.01, the issue may, upon the motion of any party, be set for immediate trial, without a jury and without regard to position on the calendar. An interlocutory appeal shall lie from the decision on such issue, and such appeal shall be given precedence in the supreme court. Failure of the defendant to raise such issue within ten days after service of an order granting immediate possession shall be deemed an admission that the use is a public use or a superior public use, as the case may be." [L. 1896, c. 45, pt. of s. 16, s. 19; R. L. 1925, s. 825; R. L. 1935, s. 68; am. L. 1937, c. 184, s. 5; R. L. 1945, s. 319; am. L. 1947, c. 200, s. 1(d); am. L. 1951, c. 12, s. 1(1).]

Section 2. All special procedures in eminent domain heretofore provided by statute, charter, or franchise to be exercised by any person, natural or artificial, are hereby repealed and revoked, and every charter or franchise containing such provision is hereby, so far as lies within the power of the legislature of the Territory, amended to conform to such repeal and revocation and to this Act. Without prejudice to the generality of the foregoing repeal and revocation, there shall be included therein sections 321, 322 and 325, and 5046 to 5056, both inclusive, of the Revised Laws of Hawaii 1945.

Section 3. Section 5044 of said Revised Laws is hereby amended by substituting for the words "manner in this chapter provided", in the third line thereof, the words "the manner provided in chapter 8 hereof".

Section 4. **Section 5057** of said Revised Laws is hereby amended by substituting for the words "the provisions of this chapter" in the second line thereof, the words "the exercise of eminent domain".

Section 5. Chapter 119 of said Revised Laws is hereby amended:

(a) By amending **section 6101** thereof by inserting in said section, immediately preceding the word "and" in the tenth line thereof, the words: "and other public uses within the purview of section 301".

(b) By amending section 6102 thereof to read as follows:

"Sec. 6102. Proceedings according to chapters 8 and 8.01. The proceedings to be taken on behalf of the county for the condemnation of property as provided in this chapter, shall be taken and had in accordance with chapters 8 and 8.01, as the same may be applicable." [L. 1907, c. 67, s. 4; R. L. 1925, s. 1953; R. L. 1935, s. 2301; R. L. 1945, s. 6102; am. L. 1951, c. 12, s. 5(b).]

Section 6. The amendment of **section 301** of said Revised Laws by this Act shall not be interpreted as a legislative declaration that the purposes enumerated in said section before amendment are not public purposes, but said section 301, as so amended, shall be deemed to include all public purposes specifically mentioned therein before such amendment and any other and additional public purposes.

Section 7. If any section, sentence, clause or phrase of this Act, or of any other law as amended by this Act, or its application to any person or circumstances, is for any reason held to be unconstitutional or invalid, the remaining portions of this Act or of said other law as amended, or the application of this Act or of said other law, to other persons or circumstances, shall not be affected. The legislature hereby declares that it would have passed this Act and said other laws as amended, and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 8. This Act shall take effect ten days after promulgation as required by section 2 of said Revised Laws.

(Approved May 1, 1951.) S.B. 540, Act 12.

§ 306. Circuit court, jurisdiction. Am. L. 1947, Act 200 [A-12], rewritten p. 15.

§ 314. Damages assessed how. Am. L. 1947, Act 200 [A-12], rewritten pp. 15, 16.

Chapter 8.01. SPECIAL PROCEEDINGS RELATING TO
PUBLIC PROPERTY.

§§ 330-333. *Special Proceedings relating to public property.* NEW,
L. 1949, Act 377 [A-9], pp. 23-25.

Chapter 9. EXPENDITURE OF PUBLIC MONEY.

Series A-9: ACT 227

An Act Amending Section 351 of the Revised
Laws of Hawaii 1945, as Amended, Relating to the Ex-
penditure of Public Money.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 351 of the Revised Laws of Hawaii 1945,
as amended by Act 18 of the Session Laws of Hawaii 1947, is
hereby amended in the following respects:

(a) By inserting after the word "governments," in the ninth
line of the first paragraph thereof the following:

"or for the performance of public work or contracts by
any other such department, bureau, organization, or municipi-
pal or political subdivision of the federal, territorial, municipi-
pal or county governments,".

(b) By substituting for the words "twenty-five hundred" in
the tenth line of the first paragraph thereof the words "four
thousand".

Section 2. This Act shall take effect upon its approval.

(Approved May 28, 1951.) H.B. 945, Act 227.

The first two paragraphs of § 351, as so amended read:

Sec. 351. Expenditure of public moneys; procedure. No expenditure of
public money, except salaries or pay of officers or employees, or perman-
ent settlements, subsidies or other claims or objects for which a fixed
sum must be paid by law, or for other purposes which do not admit of
competition, or for the purchase of materials or supplies from any other
department, bureau, organization, or municipal or political subdivision of
the Federal, Territorial, municipal or county governments, or for the
performance of public work or contracts by any other such department,
bureau, organization, or municipal or political subdivision of the Federal,
Territorial, municipal or county governments, where the sum to be ex-
pended shall be four thousand dollars or more, shall be made, except
under contract let after public advertisement for sealed tenders, in the
manner provided by law; and no expenditures for public purposes shall

be so divided or parceled as to defeat or evade the provisions of this section; **provided**, however, that expenditures may be made, with the approval of the board of supervisors, in the case of a county, or of the governor, in the case of the Territory, or of its board or other governing authority, in the case of any independent board or agency, in excess of such sum without so contracting when the expenditures are for repairs of roads, water works and buildings, or when the work to be done is of such a nature that its extent and character can not be known or specified beforehand with reasonable certainty, or when no tender is received in response to an advertisement, or, with such approval, in an amount not in excess of fifteen thousand dollars, for new roads, water works and buildings, either on behalf of the expending division of government or for the Federal or Territorial government or any department thereof, without contract, advertisement or sealed tenders; and, in the case of such new roads, water works and buildings, expenditures in excess of such sum may be made, with the same approval, **provided** that the expending division of government shall first advertise for sealed tenders and shall keep a full and true account of the cost of the work, if done by itself, without awarding a contract therefor, and shall, upon the completion of the work, publish a full and true statement of its cost and of the amounts of rejected tenders, if any; and **provided** that any governmental agency actually performing the work shall in no case receive more than the actual cost thereof. And **provided**, further, that nothing herein provided shall prevent the board of hospitals and settlement, if, after publication of a call for tenders as herein provided for, it receives no bids from any responsible bidder or only one bid therefrom, from purchasing at regular market prices, meats, on the hoof or otherwise, and foodstuffs, as may from time to time be required for the leper settlement.

Special or sub-contracts by any governmental agency for materials or supplies or purchases of materials or supplies made in furtherance of the contract referred to in the foregoing provisos, shall be subject to the requirement of public advertisement for sealed tenders in the manner provided by law.

Series A-10: ACT 78

An Act Amending Section 351 of the Revised Laws of Hawaii 1945, Relating to Qualifications of Bidders on Public Contracts.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 351** of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(a) By amending paragraph 3 thereof to read as follows:

“Before any prospective bidder shall be entitled to submit any bid for the performance of any contract with the Territory, or any county, or with any independent board or agency of the Territory or any county, for the con-

struction of any public building or other public work (not including contracts between government agencies or political subdivisions) he shall, not less than six calendar days prior to the day designated for opening bids, give written notice to the officer charged with letting such contract of his intention to bid, and such officer shall satisfy himself of the prospective bidder's financial ability to perform the work intended and of his experience and competence in performing similar work. For this purpose, such officer may, in his discretion, require any prospective bidder to submit answers, under oath, to questions contained in a standard form of questionnaire to be prepared by the territorial superintendent of public works, by and with the approval of the governor, setting forth a complete statement of the experience of such prospective bidder and his organization in performing similar work and a statement of the equipment proposed to be used, together with adequate proof of the availability of such equipment. Whenever it shall appear to such officer, from answers to the questionnaire or otherwise, that the prospective bidder is not fully qualified and able to perform the intended work, such officer shall, after affording the prospective bidder an opportunity to be heard and if still of the opinion that the bidder is not fully qualified to perform the work, refuse to receive or consider any bid offered by the prospective bidder. All information contained in the answers to the questionnaire shall be and remain confidential, and any government officer or employee who knowingly divulges or permits to be divulged any such information to any person not lawfully entitled thereto shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not to exceed two hundred and fifty dollars. Questionnaires so submitted shall be returned to the bidders after having served their purpose."

(b) By deleting therefrom paragraph 4; and

(c) By deleting therefrom paragraph 5.

Section 2. This Act shall take effect July 1, 1951.

(Approved May 18, 1951.) H.B. 359, Act 78.

The balance of § 351, following the above amendment, reads:

In all expenditures of public money for any public work or in the purchase of materials or supplies, preference shall be given to American products, materials and supplies. [R. L. 1935, s. 80; R. L. 1945, s. 351; am. L. 1947, c. 18, s. 1; am. L. 1951, cc. 78, 227, ss. 1.]

§ 352. Contracts, etc. Am. (1st par.), L. 1945, Act 147 [A-9].

Series A-11: ACT 44

An Act Amending Section 358 of the Revised Laws of Hawaii 1945, Relating to Citizen Labor.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 358 of the Revised Laws of Hawaii 1945 is hereby amended by adding after "Territory" in the fifth line thereof, the words "or eligible to become such a citizen".

Section 2. This Act shall take effect upon its approval.

(Approved May 5, 1951.) H.B. 804, Act 44.

§ 358, as so amended reads:

Sec. 358. Only citizens employed, exception. No person shall be employed as a mechanic or laborer upon any public work carried on by the Territory, or by any political subdivision thereof, whether the work is done by contract or otherwise, unless such person is a citizen of the United States and of the Territory or eligible to become such a citizen; **provided**, however, that in cases where it is not reasonably practicable to obtain competent persons with the foregoing qualifications, persons without such qualifications may, with the approval of the governor where the compensation for such employment is paid out of territorial funds, or with the approval of the mayor or chairman of the board of supervisors where the compensation for such employment is paid out of county funds or out of funds under the control of any county board, bureau or commission, be employed until persons with such qualifications competent for such services can be obtained. [L. 1903, c. 37, s. 1; am. L. 1925, c. 231, s. 1; R. L. 1935, s. 87; am. Sp. L. 1941, c. 46; s. 1; R. L. 1945, s. 358; am. L. 1951, c. 44, s. 1.]

Series A-12: ACT 139

An Act Amending Section 359 of the Revised Laws of Hawaii 1945, Relating to Hours of Labor and Computation of Wages on Public Work of the Territory or Any Political Subdivision Thereof.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 359 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 359. Eight-hour day on public work. Eight hours of actual service shall constitute a work day Monday through Friday of each week, for all laborers, mechanics, clerks and other employees employed by any contractor or subcontractor.

tor upon any public work of the territory or any political subdivision thereof; **provided**, however, that such limit of hours may be exceeded when in the opinion of the public officer responsible for letting the prime contract an emergency exists; and, **provided**, further, that whenever on any such public works project a shutdown of such work has been compelled by inclement weather or for other reasons beyond the control of such contractor or subcontractor, including the occurrence of a work day on any holiday, it shall be lawful for a contractor or subcontractor contracting for any part of said work to require or permit their laborers, mechanics, clerks and other employees engaged in the performance of such work to make up the time lost due to such shutdown by working not to exceed eight hours on Saturday, except in case of emergency when such limit of hours may be exceeded with the same official approval. In the event any such work performed in excess of eight hours in any day or forty hours in any one week or on a territorial holiday required inspectional service by the territory or any political subdivision thereof, such service shall be furnished by the territory or such political subdivision, as the case may be, and in such event it shall be lawful, notwithstanding any other provisions of law to the contrary, for the territory or any political subdivision thereof to alter the normal working hours of such public employees as may be necessary for such purpose and to pay such public employees for all hours worked in excess of eight hours per day and forty hours in any one week or on a territorial holiday." [L. 1903, c. 37, s. 2; am. L. 1907, c. 11, s. 1; R. L. 1925, s. 175; am. L. 1925, c. 44, s. 1; am. L. 1933, c. 86, s. 1; R. L. 1935, s. 89; am. Sp. L. 1941, c. 46, s. 2; R. L. 1945, s. 359; am. L. 1951, c. 139, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 21, 1951.) H.B. 1136, Act 139.

HOURS OF WORK, COUNTY PER DIEM EMPLOYEES.

Series A-13: ACT 231

An Act Relating to the Hours of Work of Per Diem Employees of the Various Counties and Authorizing the Counties to Provide Per Diem Employees With Work on Saturday When the Total Number of Hours of Work Between Monday and Friday Do Not Total Forty.

Be it Enacted by the Legislature of the Territory of Hawaii:

[Sec. 361.01.] Section 1. [**Work on Saturday authorized when.**] Whenever the total number of hours of actual work performed by per diem employees of the various counties between the days of Monday and Friday, inclusive, do not total forty, such county is hereby authorized to employ such per diem employees on Saturday of that week. [L. 1951, c. 231, s. 1.]

[Sec. 361.02.] Section 2. [**Number of hours.**] Such Saturday employment shall not exceed the number of hours required to make a total of forty hours for the entire week and no per diem employee shall be employed more than eight hours on Saturday, except in cases of emergency. [L. 1951, c. 231, s. 2.]

[Sec. 361.03.] Section 3. [**Purpose of law.**] The purpose of this Act is to provide per diem employees of the various counties with a full forty hours employment per week and to prevent loss of pay to per diem employees when a holiday occurs during the week or when inclement weather prevents the employees from working. [L. 1951, c. 231, s. 3.]

Section 4. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 28, 1951.) S.B. 4, Act 231.

Chapter 10. FEDERAL AID: GENERAL.

SURPLUS PROPERTY.

Series A-14: ACT 289

An Act Relating to Federal Surplus Property and Aid Available to the Territory, Charging the Director of the Bureau of the Budget and the Attorney General With Certain Duties and Authority in Respect Thereof and Making an Appropriation Therefor.

Be it Enacted by the Legislature of the Territory of Hawaii:

[Sec. 405.] Section 1. [Definitions.] "Aid" or "federal aid" as used herein shall mean supplies, allowance of damages to territorial or county property by federal agencies, grants in aid, allocation of federal funds, to be matched by territorial funds, or otherwise, the furnishing of equipment and supplies and all other aids, grants, furnishings, assistance, advancements and reimbursements that may be provided by federal legislation, present or future, and which may be available to the Territory or its political subdivisions. [L. 1951, c. 289, s. 1.]

[Sec. 406.] Section 2. [Duties of attorney general, budget director.] The attorney general and the director of the bureau of the budget are hereby charged with the duty of promptly initiating the necessary action to take advantage of or to secure any federal aid which may be available to the Territory or its political subdivisions. [L. 1951, c. 289, s. 2.]

[Sec. 407.] Section 3. [Director's duties and powers.] The director of the bureau of the budget is authorized to apply for, receive and distribute to eligible tax-supported or tax-exempt health or educational agencies, institutions and organizations surplus property available under the Federal Property and Administrative Services Act of 1949 as amended, and other federal acts making surplus federal property available for health or educational purposes and to account for such property as required by the law and the rules, regulations and policies adopted pursuant thereto under which such property is received; **provided**, however, that the director of the bureau of the budget shall consult with duly authorized representatives of the board of health and the department of public instruction in determining whether application shall be made for such surplus property and the manner in which such surplus property shall be distributed for health and educational purposes. [L. 1951, c. 289, s. 3.]

[Sec. 408.] Section 4. [Same.] The director shall prescribe the form and manner in which health and educational agencies, institutions and organizations may apply and receive and shall account for surplus property available under section 3 of this Act. [L. 1951, c. 289, s. 4.]

[Sec. 409.] Section 5. [Revolving fund.] There is hereby created in the territorial treasury a fund to be known as the Surplus Federal Property Revolving Fund, which shall be maintained in an amount adequate to defray the costs of procuring, storing, handling and disposing of surplus property donated to the Territory under the provisions of the Federal Property and Administrative Services Act of 1949 as amended, or other federal acts making available surplus federal property for health or educational purposes. [L. 1951, c. 289, s. 5.]

[Sec. 410.] Section 6. [Same; appropriation.] There is hereby appropriated from the general revenues of the Territory of Hawaii to the Surplus Federal Property Revolving Fund the sum of \$150,000.00, to be expended by the director of the bureau of the budget for the administration of the powers and duties imposed upon the director of the bureau by sections 3, 4 and 5 of this Act. [L. 1951, c. 289, s. 6.]

Section 7. This Act shall take effect upon its approval.

(Approved June 9, 1951.) S.B. 510, Act 289.

Chapter 11. GENERAL DEPARTMENTAL REGULATIONS.

§ 451. Government officials and employees to be citizens and residents; exceptions. Am. L. 1949, Act 190 [A-10]; Am. L. 1951, Act 319 [A-2].

§ 454. Salaries * * * during absence abroad. Am. L. 1947, Act 1 [A-14].

§ 455. Traveling expenses of territorial officials. Am. L. 1949, Act 322 [A-11].

REMOVAL FOR FAILURE TO TESTIFY.

Series A-15: ACT 177

An Act Providing for Vacating the Office of Any Public Officer and Terminating the Employment of Any Public Employee Who Refuses to Give Testimony Concerning Certain Matters.

Be it Enacted by the Legislature of the Territory of Hawaii:

[Sec. 456.01.] Section 1. [Persons subject to law.] The persons subject to the provisions of this Act are those now or hereafter elected to or appointed or employed in the government of the territory or any county, or in any political subdivision thereof, or appointed to or employed in any office or employment any part of the compensation of which is paid out of public funds, and who have been required or now or hereafter are required to take and subscribe a loyalty oath or affirmation pursuant to the provisions of chapter 13, Revised Laws of Hawaii 1945 (as the same now is or hereafter may be amended). All persons exempted from the requirements of said chapter 13, as now or hereafter amended, are and shall be exempted from the provisions of this Act. [L. 1951, c. 177, s. 1.]

[Sec. 456.02.] Section 2. [Failure to appear or testify, termination of employment.] If any person subject to the provisions of this Act shall, after lawful notice or process, wilfully refuse or fail to appear before any court or judge, any legislative committee, or any officer, board, commission or other body authorized to conduct any hearing or inquiry, or having appeared shall refuse to testify or to answer any question regarding (1) the government, property or affairs of the territory or of any political subdivision thereof, or (2) the person's qualifications for public office or employment (including matters pertaining to loyalty or disloyalty), or (3) the qualifications of any officer or employee of the territory or any political subdivision thereof, on the ground that his answer would tend to incriminate him, or shall refuse to testify or to answer any such question without right, his term or tenure of office or employment shall terminate and such office or employment shall be vacant, and he shall not be eligible to election or appointment to any office or employment under the territory or any political subdivision thereof; **provided**, however, that to the extent that the territory is without authority to require, under the constitution or laws of the United States, compliance by any public officer or public employee herewith, this Act shall not apply to any such officer

or employee; and **provided**, further, that it shall apply to the extent that it or any part or parts thereof can lawfully be made applicable. [L. 1951, c. 177, s. 2.]

[**Sec. 456.03.**] Section 3. [**Procedure; review.**] If any person subject to the provisions of this Act shall refuse to appear or shall refuse to testify under any of the circumstances contemplated in section 2 of this Act, it shall be the duty of the presiding judge or officer or the court or body before which such default or refusal occurs to certify the fact thereof to the appointing or employing authority having cognizance of the person as a public officer or public employee and to the auditor or other disbursing officer who issues warrants or checks to pay such person for his services as a public officer or public employee. If such default or refusal shall occur before any court or body whose presiding judge or officer may not be required by the legislature to make and file such a certificate, then (1) such presiding judge or officer may make and file such a certificate and (2) the attorney general of the territory, upon learning of such default or refusal, shall make and file such a certificate if the presiding judge or officer of such court or body has not filed the same. Upon receiving any such certificate, (A) the appointing or employing authority shall remove or discharge the person from office or employment, and (B) the auditor or other disbursing officer shall make no further payments of public funds to the person, except to pay the person the salary, wages, bonus or other compensation to which the person otherwise would be entitled if he were voluntarily terminating his office or employment on the day such order is served on the auditor or other disbursing officer. The removal or discharge of any person from office or employment under the provisions of this Act shall not be reviewable by any court, officer or agency of the territory or county, or any political subdivision thereof; **provided**, however, that nothing herein contained shall be deemed to preclude any court of competent jurisdiction from reviewing the question whether any such removal or discharge is in accordance with the provisions of this Act; and **provided**, further, that in the case of any officer who may only be removed from office by the governor by and with the advice and consent of the senate of the territory, the removal of such officer shall not be effected until the advice and consent of the senate thereto is given, but the duties of the auditor or other appropriate disbursing officer hereinbefore specified shall remain the same. [L. 1951, c. 177, s. 3.]

Section 4. If any phrase, clause, sentence, subsection, section, provision or part of this Act, or its application to any person or circumstances, is for any reason held to be unconstitutional

or invalid, the remaining portions of this Act, or the application of this Act to other persons or circumstances shall not be affected, and such remaining portions of this Act shall remain in full force and effect thereafter. The legislature hereby declares that it would have passed this Act, and each phrase, clause, sentence, subsection, section, provision or part thereof, irrespective of the fact that any one or more of the phrases, clauses, sentences, subsections, sections, provisions or parts be declared unconstitutional or invalid.

Section 5. This Act shall take effect upon its approval.

(Approved May 26, 1951.) H.B. 1057, Act 177.

§ 457. Public officers * * * master's fees. AM. L. 1945, Act 95 [A-10], rewritten p. 16.

§ 458. Copies of public records; costs and fees. AM. L. 1949, Act 345 [A-12]; AM. Sp. L. 1949, Act 23 [A-4].

§ 460.01. * * * public records on films. * * * NEW, L. 1945, Act 26 [A-12]. See also L. 1949, Act 44 [D-250], free copies of certain records to veterans, post.

§ 460.02. Disposal of government records. NEW, L. 1949, Act 65 [A-13].

§ 462. Government motor vehicles; certain uses prohibited. AM. L. 1949, Act 389 [A-14].

§ 463. Inscription to be placed on motor vehicles; character. AM. L. 1949, Act 389 [A-14].

§ 464. Duty of enforcing. AM. L. 1949, Act 389 [A-14].

§ 464.01. Motor vehicles; shelter. NEW, L. 1949, Act 389 [A-14].

§ 464.02. Enforcement; duties of sheriffs and police officers. NEW, L. 1949, Act 389 [A-14].

§ 464.03. Penalties; dismissal. NEW, L. 1949, Act 389 [A-14].

Series A-16: ACT 279

An Act Relating to Rules and Regulations of Officers, Boards, Commissions and Other Governmental Agencies; Amending Section 466 of the Revised Laws of Hawaii 1945.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 466 of the Revised Laws of Hawaii 1945, as amended, is further amended in the following respects:

1. By amending the first paragraph thereof to read as follows:

"Sec. 466. Public hearings on rules and regulations having the force and effect of law. Prior to making, amending or repealing of any rule or regulation, having the force and effect of law, all officers who, and all boards, commis-

sions and other governmental agencies which, have the power to make such rules and regulations shall hold a public hearing upon such proposed rule or regulation, or amendment or repeal of any rule or regulation, of which public hearing a notice shall first be published in a newspaper of general circulation (one publication) not less than four days before the date set for such hearing. Such notice shall state the time and place for such hearing and the general purpose of the proposed rule or regulation, to be considered at such hearing."

2. By adding a new paragraph thereto after the second paragraph thereof to read as follows:

"Any notice required to be published by the provisions of this section may be published in a newspaper of general circulation only within the county to which the same shall apply."

Section 2. Any law or part of a law in conflict with this Act is hereby amended to conform to the provisions of this Act.

Section 3. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved June 9, 1951.) S.B. 216, Act 279.

§ 466, as so amended reads:

Sec. 466. Public hearings on rules and regulations having the force and effect of law. Prior to making, amending or repealing of any rule or regulation, having the force and effect of law, all officers who, and all boards, commissions and other governmental agencies which, have the power to make such rules and regulations shall hold a public hearing upon such proposed rule or regulation, or amendment or repeal of any rule or regulation, of which public hearing a notice shall first be published in a newspaper of general circulation (one publication) not less than four days before the date set for such hearing. Such notice shall state the time and place for such hearing and the general purpose of the proposed rule or regulation, to be considered at such hearing.

When any rule or regulation has been adopted, amended, or repealed, a notice shall be published once each week for two weeks in at least two newspapers of general circulation in the Territory describing in general terms the subject of the rule that has been adopted, amended, or repealed, and stating with respect to new and amended rules that copies of the rule as adopted or amended are available and will be furnished to interested parties at the office of the board, commission or other governmental agency. All rules and regulations and all amendments and repeals thereof shall, unless otherwise specifically prescribed, take effect thirty days after the first publication of such notice.

Any notice required to be published by the provisions of this section may be published in a newspaper of general circulation only within the county to which the same shall apply.

This section shall not apply to rules or regulations which are made or prescribed by any court or a judge thereof; or to rules or regulations which are made or prescribed under sections

372	1912	3910	4063	4984
707	2432	3917	4509	13038
1560	2552	3959	4673	13042
1638	3844	4007	4713	13050

or as each section may be amended, or to such other rules or regulations as the governor may in writing decide relate principally to the management or regulation of territorial departments, instrumentalities, institutions, personnel, property, accounts, funds or expenditures. Such decisions shall be filed with the secretary of the Territory and shall be final and conclusive in each case and not reviewable by any court or tribunal. [L. 1939, c. 7, s. 1; am. L. 1941, c. 316, s. 1; R. L. 1945, s. 466; am. L. 1949, c. 260, s. 1; am. L. 1951, c. 279, ss. 1, 2.]

§ 477. Office hours, all government offices, etc. AM. L. 1949, Act 232 [A-16].

§§ 483-496. Rep. L. 1951, Act 264 [A-129].

§ 498.01. Power of boards to issue subpoenas, administer oath, appoint masters, etc. NEW, L. 1949, Act 329 [A-17].

§§ 499.01-.08. Governor's Emergency Powers. NEW, Sp. L. 1949, Act 21 [A-5].

Chapter 12. LEAVES OF ABSENCE: VACATIONS.

Series A-17: ACT 326

An Act to Amend Section 550, Revised Laws of Hawaii 1945, Relating to Vacations of Public Officers and Employees.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 550 of the Revised Laws of Hawaii 1945 is hereby amended by amending the words "fifty-four" appearing in line 18 thereof to read "seventy-five" and by inserting between the next to the last sentence and the last sentence of the first paragraph, a new sentence to read as follows:

"Vacation shall be charged against accumulated vacation allowance at the rate of five (5) working days per week; holidays shall not be charged as days of vacation."

Section 2. This Act shall take effect upon its approval.

(Approved June 18, 1951.) H.B. 177, Act 326.

§ 550, as so amended, should read:

Sec. 550. Vacations of public officers and employees; exceptions. With the exception of school teachers and school principals employed in the public schools of the Territory, the instructional staff of the University

of Hawaii and members of the city and county fire department, all officers and employees in the service of the Territory or of the several counties shall be entitled to and granted a vacation with pay each calendar year calculated at the rate of one and three-quarters working days for each month of service. Vacation allowance shall be recorded and administered on a calendar year basis, the allowance accruing during each calendar year being credited to employees as of December 31st of each year. A month of service shall be deemed to mean a calendar month in which the employee performs not less than twenty-one days of actual service. In the event the employee performs more than five but less than twenty-one days of actual service in any calendar month, the days of service shall be included in the computation of the employee's total vacation credit for the year on such basis as shall be provided for under the rules hereinafter referred to. An annual vacation, or any part thereof unused, shall be automatically accumulated for succeeding years, except that the total recorded accumulation shall in no event exceed seventy-five working days. Whenever such accumulated vacation allowance, as recorded, shall exceed seventy-five working days, the employee shall automatically forfeit such excess. The vacation shall be granted at such time as the head of the department may designate. Vacation shall be charged against accumulated vacation allowance at the rate of five (5) working days per week; holidays shall not be charged as days of vacation. Except in the case of members of the city and county fire department, officers or employees working without a regular weekly holiday shall be entitled to and granted four days leave with pay for every twenty-eight days of service, which leave shall not be accumulated or considered as vacation.

Members of the city and county fire department who shall have complied with the provisions of section 359 shall be entitled to and granted a vacation with pay each calendar year of two and one-half calendar days for each month of service; **provided** that such annual vacation, or any part thereof unused, may be accumulated for succeeding years, except that the total accumulation shall in no event exceed ninety calendar days. Vacation allowance for members of the city and county fire department shall be recorded and administered and forfeited on the same basis as the allowance for other employees, except that ninety calendar days may be accumulated and recorded without forfeiture. The vacation shall be granted at such time as the head of the department may designate.

When an officer or employee of the Territory or of any county, as the case may be, is transferred from one department or agency to another within the same government or to another within the Territory, he shall be given credit for the vacation earned or accumulated in the department or agency from which he transferred and such department's or agency's appropriation shall be charged for such vacation by transfer of funds or otherwise; **provided**, however, that compensation for any period of vacation allowance shall be paid at the rate to which the employee is entitled at the time such allowance is granted and the appropriation of the department in which the employee is then employed, together with any other funds previously transferred or encumbered, shall be used to make such payment. [L. 1915, c. 199, s. 1; R. L. 1935, s. 103; am. L. 1943, c. 142, s. 1; R. L. 1945, s. 550; am L. 1949, c. 169, s. 1; am. L. 1951, c. 326, s. 1.]

Series A-18: ACT 121

An Act Amending Section 552, Revised Laws of Hawaii 1945, Relating to Sick Leaves and Providing that the Administration Thereof Shall Be on a Calendar Year Basis.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 552 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by inserting the following words and punctuation before the word "provided" as it first appears in such section at the beginning of the seventh line thereof, to wit:

"and such sick leave allowance, shall be recorded and administered on a calendar year basis, the allowance accruing during each calendar year being credited to employees as of December 31st of each year";

Section 2. This Act shall take effect upon its approval.

(Approved May 19, 1951.) H.B. 380, Act 121.

The first paragraph of § 552 as amended, reads:

Sec. 552. Sick leaves; exceptions; rules and regulations. (a) With the exception of school teachers and school principals employed in the public schools of the Territory and the instructional staff of the University of Hawaii, all officers and employees in the service of the Territory or of the several counties shall be entitled to and granted cumulative sick leave with pay at the rate of one and three-quarters working days for each month of service, and such sick leave allowance, shall be recorded and administered on a calendar year basis, the allowance accruing during each calendar year being credited to employees as of December 31st of each year; provided that the total accumulation thereof shall not exceed fifty-four working days; provided, further, that additional sick leave with pay, in excess of that which the officer or employee is entitled to, may be granted with the written approval of the governor, mayor or chairman of the board of supervisors, as the case may be; provided, further, that the expression "employees" shall include casual, irregular, or sporadic employees, commonly designated as per diem employees.

For balance of § 552, see S. L. 1947, p. 25.

§ 553. Vacation allowances on termination of employment. Am. L. 1949, Act 298 [A-19].

§ 553.01. Compensatory time off for overtime work. NEW, Sp. L. 1949, Act 36 [A-6].

§ 554. Pay of officers and employees on active military service. Am. L. 1949, Act 298 [A-19].

Old §§ 556-561. Rep. L. 1949, Act 370 [A-20]; however, see following act for new §§ 556, 557, 559-562.

Series A-19: ACT 262

An Act Relating to the Rights and Privileges of Officers and Employees of the Territory of Hawaii Or of Any County or Political Subdivision Thereof During the Period of Emergency Set Forth Herein or While On Active Duty With the Armed Forces of the United States.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 12 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto two new sections to be numbered and to read as follows:

"Sec. 556. Reemployment upon termination of military service. Every officer or employee in the employment of the territory or any county or political subdivision thereof who, on or after June 25, 1950, in order to perform active service and duty with the armed forces of the United States, has left or leaves his position (other than a temporary position) with the territory or any county or political subdivision thereof, and who (1) receives a certificate under section 9 of the Selective Service Act or any federal law heretofore or hereafter enacted providing for a similar certificate, and (2) makes application for reemployment within ninety days after he is relieved from such training and service or from hospitalization continuing after discharge for a period of not more than one year shall (a) if still qualified to perform the duties of such position, be restored to such position or to a position of like seniority, status, and pay, or (b) if not qualified to perform the duties of such position by reason of disability sustained during such service but qualified to perform the duties of any other position in the employ of the territory or of any county or political subdivision thereof, be restored to such other position the duties of which he is qualified to perform as will provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances of the case. Such officer or employee shall be considered as having been on furlough or leave of absence during his period of training and service in the armed forces; **provided**, however, that, any other law to the contrary notwithstanding, upon reemployment in any position he shall be placed on the same grade or salary step or increment as if he had been continuously employed in such position and had maintained the requisite standard of efficiency. [L. 1951, c. 262, pt. of s. 1.]

Sec. 557. Status of persons temporarily employed. Any provision of law to the contrary notwithstanding, any person who shall have filled or who may fill any position left vacant by such officer or employee referred to in section 556 shall be dismissed from such position upon the restoration of such officer or employee to such position under the provisions of section 556 or of any federal statute, and in no case shall chapter 2 or any rules or regulations prescribed thereunder be applicable to such dismissal; **provided**, however, if such person shall have been employed in a position subject to the provisions of chapter 2 then such person shall have his name placed on an appropriate reemployment list. The civil service commissions shall in writing inform every person who is now filling or who may hereafter fill any such position of the status of his employment and of the provisions of this section." [L. 1951, c. 252, pt. of s. 1.]

Section 2. Chapter 12 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto a new subtitle and four new sections to be numbered and to read as follows:

"Emergency Provisions.

Sec. 559. Cash in lieu of vacation. (a) During the emergency period defined below, whenever the head of a department pursuant to this section shall certify in writing that it was or is impracticable for any specified public employee (which term shall include non-elective officers and employees in the service of the territory or any county) to be awarded his accumulated vacation due to emergency conditions and that such accumulated vacation or a portion thereof, has, on or since June 25, 1950, lapsed and been lost by expiration of time due to his failure to take or be allowed such accumulated vacation, such employee shall be paid, in addition to his regular compensation, an amount equal to the amount he would have been paid as a wage or salary during that portion of the accumulated vacation, had he taken the same, which has lapsed or which may hereafter lapse under the terms hereof, such amount to be in lieu of such vacation period which has lapsed or may hereafter lapse.

(b) If any such public employee shall have, on or after June 25, 1950, and prior to the effective date of this section, terminated his employment in good standing, or shall have died, without having taken his vacation, he, or in the event of his death, such person or persons as he shall have designated as his beneficiary or beneficiaries under the employees' retirement system, or, failing such designation, his sur-

living widow, or, failing such surviving widow, his heirs at law shall be paid the amount of his accrued vacation pay for the vacation period earned and not taken by him, notwithstanding such termination of service or death.

(c) In the case of public employees who were employed in the territorial employment service of the department of labor and industrial relations and who were or are transferred to the United States employment service:

(1) If any such employees are determined to be ineligible, under the federal laws, for allowance by said United States employment service of credit for vacation earned during their employment by the territorial employment service, or

(2) If any such employees have terminated or shall terminate their service after such transfer and have been or shall be denied vacation earned by them as employees of the territorial employment service, such employees shall be paid vacation pay out of territorial funds for the vacation earned in the employ of the territorial employment service computed as provided in subsection (b) of this section, and such amounts as may be necessary for said purposes are hereby appropriated out of the general fund of the territory; **provided**, that in the event federal funds are available for any of such payments, they shall be paid out of such federal funds, and if such federal funds are received after such payment out of territorial funds, the general fund of the territory shall be reimbursed out of said federal funds for such payments to such extent as may be permissible under federal laws and regulations.

(d) In the case of any public employee who earns or has earned vacation credit in more than one department by reason of his transfer or other removal from one department to another, or others, and who is entitled to payment under this section, vacation pay for all of said periods of employment shall be paid to him in lieu of vacation, notwithstanding such transfers or other removal.

(e) The emergency period referred to in this section shall be the period beginning June 25, 1950, and ending at such time as the governor may determine that an emergency no longer exists. [L. 1951, c. 262, pt. of s. 2.]

Sec. 560. Cash in lieu of leave. Where, during the emergency period defined by section 559, a public employee becomes, or has heretofore become, entitled to, but cannot because of the emergency, enjoy leave with pay, then, upon certification as required by said section 559, he shall have cash in lieu of such leave with pay, in the same manner as

is provided in respect of vacations by such section. [L. 1951, c. 262, pt. of s. 2.]

Sec. 561. Allowances payable how? Any amounts necessary to effect the payments required by sections 559 and 560 to public employees of the territory may be paid out of any appropriations then in force for personal services for the agency (which term shall include any department, board, commission, bureau, establishment or agency) in the employ of which such vacation was earned, and if such appropriations shall not be sufficient to cover both the general requirements for personal services of such agency and the payments required by this subtitle, the amounts necessary to cover any deficiencies for payment of such vacation pay in such appropriations shall be certified in writing from time to time by the auditor and director of the bureau of the budget, and the amounts of such deficiencies so certified shall be deemed to be and hereby are appropriated for said purposes out of the general fund of the territory. The board of water supply, city and county of Honolulu, in regard to its present or former employees, and each county board of supervisors in regard to the present or former officers and employees of their respective counties, are authorized and directed to appropriate and make available to the proper department sufficient funds to meet the payments of vacation pay required by this subtitle. [L. 1951, c. 262, pt. of s. 2.]

Sec. 562. Temporary suspension of certain laws. All laws or parts of law inconsistent with the provisions of sections 559 and 560 shall, to the extent of such inconsistency only, be suspended during said emergency period, but nothing in said sections contained shall be deemed to modify or in any way limit the powers of the governor under laws heretofore or hereinafter enacted." [L. 1951, c. 262, pt. of s. 2.]

Section 3. Chapter 15 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto a new subtitle and three new sections to be numbered and to read as follows:

"Special Benefits for Members in Military Service.

Sec. 719. Definitions. As used in this subtitle:

'Servicemen's Act' means and includes section 720 and any other Act of the legislature extending benefits similar to those of said section to other classes of persons in essential war services.

'Service member' means a member of the system who is entitled to the benefits provided by the Servicemen's Act.

'Service in the armed forces' means active service (1) in 'military service' as defined in section 720, or (2) in any other essential war service covered by the Servicemen's Act. [L. 1951, c. 262, pt. of s. 3.]

Sec. 720. Service credit; payment of contributions. Every active member of the system entering the military service (which term as used in this section shall include national guard, air, naval and coast guard services) of the United States on or after June 25, 1950, shall, so long as he remains in said military service, be allowed service credit in the system to the same extent as if he were continuously in the active service of the territory, county, or board of water supply of the city and county of Honolulu, as the case may be, in the position which he held immediately prior to his induction (whether as a volunteer, a member of the reserve, a national guardsman, or as a selectee) into said military service.

The territory, county or board of water supply, as the case may be, in whose service such member was employed immediately prior to his induction into said military service shall, so long as he remains in said military service, pay all contributions both to the pension accumulation fund and to the annuity savings fund, and any other payments to the system, which would otherwise be payable to the system by the territory, the county, the board of water supply, or such member, if he were continuously in the active service of the territory, county or board of water supply, as the case may be. [L. 1951, c. 262, pt. of s. 3.]

Sec. 721. Benefits and conditions applicable to service members. All service members shall, by reason of their retention of membership in the system under the Servicemen's Act, have the status set forth in this subtitle and shall be entitled to the following benefits and subject to the following conditions and limitations:

1. Service retirement benefit. If such service member shall have terminated his service with the armed forces and shall otherwise comply with the requirements of subsection 1 of section 708, he shall be entitled to a service retirement benefit, to be computed in the manner provided in subsection 2 of section 708, including and taking into consideration the service credit preserved and allowed to him by the Servicemen's Act.

2. Ordinary disability retirement benefit. If such service member shall terminate his service in the armed forces and

shall comply with and fulfill the requirements of subsection 3 of section 708, including and taking into consideration the service credit preserved and allowed to him under the Servicemen's Act, he shall be entitled to the ordinary disability retirement benefit prescribed in said subsection 3, computed as provided in subsection 4 of section 708, including and taking into consideration the service credit preserved and allowed to him under the Servicemen's Act.

3. Accidental disability benefit. Any such service member who has been incapacitated for duty by accident, act of war, or otherwise, occurring while he is not in the service of the territory or any county, shall not by reason of such incapacity be entitled to the accidental disability benefit provided for by subsections 5 and 6 of section 708, but in such event, if he can qualify for an ordinary disability retirement benefit as hereinabove provided, he shall receive such ordinary disability retirement benefit.

4. Ordinary death benefit. In the case of the death of any service member, the ordinary death benefit provided by subsection 8 of section 708 shall be paid to his estate or his designated beneficiary.

5. Accidental death benefit. The estate or designated beneficiary of a service member who shall die by accident, act of war, or other cause, occurring while he is not in the service of the territory or any county, shall not be entitled to the accidental death benefit provided by subsection 9 of section 708; **provided**, however, that the estate or said beneficiary shall be entitled to the ordinary death benefit as hereinabove provided.

6. Return of contributions. Any service member shall have the privilege of resigning from the system at any time, if he so chooses, and in the event of such resignation he shall be entitled to the return of his accumulated contributions in the manner provided in subsection 10 of section 708, including any amounts to his credit in the annuity savings fund which shall have been contributed by the territory or any county under the Servicemen's Act, but he shall cease to be entitled to any of the benefits of the Servicemen's Act or of this subtitle, except such return of accumulated contributions, upon the effective date of such resignation.

7. Duration of service member's status. A service member shall continue to be entitled to the benefits of the Servicemen's Act until the expiration of ninety days after the

termination of his service in the armed forces, unless he shall within said ninety day period have reentered the service of the territory or any county or the board of water supply, in a position which constitutes him an employee as defined by section 701, in which latter event his status thenceforth shall be the same as that of any other regular member of the system in such service without any loss of the service credit preserved and allowed to him under the Servicemen's Act, or unless he shall have resigned before the expiration of said ninety day period and waived his right to such reemployment. In the event he fails to re-enter the service of the territory or any county or the board of water supply within said ninety day period, and shall not have resigned from said system and waived his right to reemployment, his status thereafter shall be the same as that of a regular member who terminated his employment as such an employee, and such termination shall be deemed to have occurred on the ninetieth day after the termination of his service in the armed forces.

8. Computation of compensation earned or earnable. In any case where it shall become necessary, for the purposes of this subtitle, to determine the compensation or average compensation earned or earnable by a member of the system during any period of his service in the armed forces, or during any period (not exceeding ninety days) immediately thereafter while he was not an employee as defined in section 701, his rate of compensation earned or earnable during any such period shall, for the purposes of this subtitle, be deemed to have been that which he was receiving as such an employee immediately prior to the inception of his service in the armed forces, without any of the additional increments for length of service provided for by any classification or other law of the territory.

9. Right of amendment or repeal reserved; retroactive effect. The provisions of this subtitle shall not be deemed to constitute a contract with any service member, and the legislature reserves the right to amend or repeal this subtitle at any time as to any benefits or allowances not accrued prior to the time of such amendment or repeal.

This subtitle shall apply retroactively, as well as prospectively, to all persons entitled to the benefits of the Servicemen's Act." [L. 1951, c. 262, pt. of s. 3.]

Section 4. Rules for benefit of returning servicemen, and other similar personnel. The civil service commission (personnel classification board) of the territory, with the approval of the

governor, shall adopt rules, which shall be uniformly effective as to all the public services of the territory or any county or any independent board or commission thereof notwithstanding any other laws to the contrary enacted before the effective date of this section, and which shall: (a) effectuate as fully and promptly as practicable the rights of reemployment and other benefits provided for by law for former employees (which term wherever used in this Act includes officers) of the territory or any county or any independent board or commission thereof who left or shall leave such former position in order to perform active service with the armed forces of the United States or other equivalent services entitling them to similar benefits: (b) provide, as far as practicable, for affording to any such returned former employee the benefits of any reclassification of his former position; (c) if necessary in order to provide reemployment for any such former employee where his former position has been abolished, or it is otherwise impossible or impracticable to award his former position to him, and as far as practicable without substantial detriment to the public service and in any event to the extent required by applicable federal or territorial laws and regulations, provide for the discharge or transfer of any other public employee from his position and the appointment of such former employee to such position. Any such rules may be combined with other rules promulgated under chapters 2 and 3 of said Revised Laws, or any of them.

Section 5. This Act shall take effect upon its approval.

(Approved June 5, 1951.) H.B. 9, Act 262.

Chapter 12 A. LEGISLATIVE HEARINGS AND PROCEDURE.

§§ 570-578. Legislative hearings and procedure. NEW, Sp. L. 1949, Act 40 [A-7].

Chapter 12 B. LOYALTY BOARD.

Series A-20: ACT 256

An Act Relating to the Loyalty of Public Officers, Public Employees and Persons Deriving Any Compensation Out of Public Funds, Creating the Territorial Loyalty Board and Defining Its Powers, Duties and Functions, Conferring and Imposing Further Powers, Functions and Duties on the Commission on Subversive Activities and on the Civil Service Commission, Prescribing Offenses, Providing Penalties, and Making an Appropriation.

Be it Enacted by the Legislature of the Territory of Hawaii:

[Sec. 580.01.] Section 1. [Definitions.] Wherever used in this Act, unless the context otherwise requires:

(A) "Board" means the territorial loyalty board created by this Act;

(B) "Commission" means the commission on subversive activities of the Territory of Hawaii;

(C) "Registrant" means and includes every person who is required by the terms of section 6 of this Act to execute a personal history statement;

(D) "Public officer" and "public employee" mean and include all persons now or hereafter elected to or appointed or employed in the government of the territory or any county, or in any political subdivision thereof, or appointed to or employed in any office or employment any part of the compensation of which is paid out of public funds. [L. 1951, c. 256, s. 1.]

[Sec. 580.02.] Section 2. [Board; appointment; tenure.] There is hereby created the territorial loyalty board, which shall consist of seven (7) members, all to be appointed by the governor in the manner provided by section 80 of the Organic Act, among whom shall be included one resident of each of the counties of Hawaii, Maui and Kauai. No public officer or public employee shall be eligible to be appointed to the board. At no time shall more than four members of the board be members of the same political party. At least three of the members of the board, including the chairman, shall be attorneys licensed to practice in all of the courts of the territory. Of the first seven (7) persons appointed to the board, three (3) shall be appointed for terms of two (2) years, two (2) shall be appointed for terms of three (3) years, and two (2) shall be appointed for terms of four (4) years, and there-

after the terms of office of each member shall be four (4) years. The governor shall designate the member who shall serve as chairman of the board, and the members shall select another of their number to serve as vice chairman. Any vacancy occurring in the membership of the board may be filled forthwith by the governor, and such appointment shall be effective at once. [L. 1951, c. 256, s. 2.]

[Sec. 580.03.] Section 3. [Ineligibility of officers and employees.] No person shall be allowed to become or to remain a public officer or public employee if it shall be found, in proceedings conducted under the provisions of this Act, that there is a reasonable doubt of such person's loyalty to the government of the United States or to the government of the Territory of Hawaii, or if such person shall fail or refuse to comply with any of the provisions of this Act. The provisions of section 601, Revised Laws of Hawaii 1945, shall apply with like force and effect to any person who, being required by the provisions of this Act to subscribe and file a personal history statement, shall refuse or neglect to do so or who shall refuse or neglect to accomplish the same in the manner required by this Act and any regulations of the board promulgated in pursuance hereof. [L. 1951, c. 256, s. 3.]

[Sec. 580.04.] Section 4. [Effect of removal.] No person removed from public office or public employment by virtue of proceedings had before the board under the provisions of this Act shall be eligible thereafter to hold public office or public employment unless, upon new or further proceedings had before the board, it shall be determined that there no longer exists a reasonable doubt as to such person's loyalty to the governments of the United States and of the Territory of Hawaii. [L. 1951, c. 256, s. 4.]

[Sec. 580.05.] Section 5. [Personal history statement.] The board shall prescribe a form of personal history statement to be executed by every registrant. Such statement may call for such information as the board shall prescribe. Whenever the board shall deem it necessary or advisable, the form and content of the personal history statement may be revised. Each such form of personal history statement shall be approved by the governor before its use shall be authorized and required. Blank copies of the form of personal history statement shall be printed and distributed free of charge to all departments, commissions, boards, agencies, officers and employees having need for the same, the cost of such printing and distribution to be borne by the board. [L. 1951, c. 256, s. 5.]

[Sec. 580.06.] Section 6. [Execution of statement.] Every public officer and public employee who heretofore has taken, subscribed and filed a loyalty oath or affirmation pursuant to the requirements of chapter 13, Revised Laws of Hawaii 1945, as amended, and every public officer and public employee now or hereafter required by the provisions of said chapter 13 (as now or hereafter amended) to take, subscribe and file a loyalty oath or affirmation shall execute and subscribe under oath or affirmation the form of personal history statement prescribed by the board; **provided**, however, that the board may waive compliance with all or any part of the provisions of this Act in respect to any person or persons who have been or may be exempted by the governor from compliance with the provisions of chapter 13, Revised Laws of Hawaii 1945, under the authority given the governor by section 610 of said chapter 13. Each registrant shall file the prescribed form of personal history statement with the person, officer, or agency with whom the registrant is required by law to file a loyalty oath or affirmation, and such person, officer, or agency receiving the statement shall forward the same to the territorial civil service commission, which shall maintain the same as a confidential record and shall not reveal said statement or any of the contents thereof to anyone other than the registrant, the commission on subversive activities, the board, or the governor. Except for the registrant, no person having access to said statement or to any of the contents thereof shall divulge the same to any person not authorized by law to have access thereto. The territorial civil service commission shall immediately certify to the appropriate auditor or disbursing officer the name and position of each registrant who shall execute and file such personal history statement. [L. 1951, c. 256, s. 6.]

[Sec. 580.07.] Section 7. [Time for filing statement.] All persons who are public officers or public employees and who have filed a loyalty oath or affirmation as required by chapter 13 of the Revised Laws of Hawaii 1945, as amended, shall execute and file the personal history statement provided by this Act on or before December 31, 1951. All other persons hereafter subject to the provisions of this Act shall execute and file such personal history statement before entering upon the duties of their respective offices or employments, or on or before December 31, 1951, whichever is later. The board may extend the time within which any registrant is required to execute and file such personal history statement, but in no case shall such extension be for a period longer than sixty (60) days and then only after the registrant has shown in writing to the satisfaction of the board that he is or was unable to comply with the requirements of this Act

because of illness, absence from the territory, disability, or any other reason deemed to be sufficient by the board. [L. 1951, c. 256, s. 7.]

[Sec. 580.08.] Section 8. **[Re-execution of statement not required.]** No registrant continued in office or employment or appointed to or employed in another office or position or re-elected or reappointed to succeed himself in any office or position shall be required to re-execute and file the form of personal history statement required by section 6 of this Act if he did execute and file such a statement on his original election, appointment or employment and his service in office or employment has been continuous. [L. 1951, c. 256, s. 8.]

[Sec. 580.09.] Section 9. **[Exceptions.]** To the extent that the territory is without authority to require, under the constitution or laws of the United States, compliance by any public officer or public employee herewith, this Act shall not apply to any such officer or employee; **provided**, however, that it shall apply to the extent that it or any part or parts thereof can lawfully be made applicable; **provided**, further, that any such officer or employee may have the privilege to comply fully and voluntarily herewith and, in such event, any personal history statement of any such officer or employee may be taken or made, subscribed, delivered and filed as by this Act provided. [L. 1951, c. 256, s. 9.]

[Sec. 580.10.] Section 10. **[Investigations.]** It shall be the duty of the commission on subversive activities to receive on a confidential basis from the civil service commission and to analyze and evaluate every personal history statement submitted pursuant to this Act. Where any such statement reveals derogatory information indicating that the loyalty of a registrant is possibly in doubt, or where similar information is received by the commission from any other source, the commission may initiate such investigative action as in its judgment appears warranted. After having finished its analysis and evaluation of a personal history statement, the commission on subversive activities shall return the statement to the custody of the civil service commission. [L. 1951, c. 256, s. 10.]

[Sec. 580.11.] Section 11. **[Referral of cases to board.]** When the commission shall have reliable information indicating that there is reason to believe that there may exist a reasonable doubt of a registrant's loyalty, it shall be the duty of the commission to refer such information to the board. The commission may refuse to disclose to the board the name of any confidential informant, providing it furnishes sufficient information about such informant to enable the board to make an adequate evaluation of the information

furnished by the commission, and provided the commission advises the board in writing that it is essential to the protection of the informant or to the investigation of other cases that the identity of the informant not be revealed. The commission shall not use this discretion to decline to reveal sources of information where such action is not essential. [L. 1951, c. 256, s. 11.]

[**Sec. 580.12.**] Section 12. [**Action by board.**] The board shall consider the case of each registrant whose loyalty is deemed questionable because of derogatory information brought to the attention of the board. After considering such information the board shall take one or more of the following actions, as may be deemed appropriate by it:

(A) Decline to initiate proceedings of any kind against the registrant.

(B) Request the commission to conduct further investigation of matters specified by the board in its written request.

(C) Notify the registrant in writing that the board is considering certain derogatory information concerning the registrant, and request (but not require) the registrant to answer under oath an interrogatory or interrogatories propounded by the board.

(D) Serve written charges on the registrant, thereby commencing a loyalty hearing proceeding. [L. 1951, c. 256, s. 12.]

[**Sec. 580.13.**] Section 13. [**Loyalty hearing procedure.**] If a loyalty hearing proceeding shall be instituted against any registrant, the following procedures shall be adhered to:

(A) Unless otherwise ordered by the board, all hearings shall be held by panels of the board. Such panels shall consist of not less than three members designated by the chairman. The chairman shall designate the board member who shall be the presiding member of the panel, and it shall be the duty of such presiding member to make due report to the board of all acts and proceedings of the panel.

(B) The charge or charges (hereinafter called the "charge") against the registrant shall be stated in writing, shall specify the information upon which the board bases the charge, and shall inform the registrant that he will be given a hearing on the charge if he so demands in writing.

(C) The registrant against whom a hearing procedure shall be instituted (and who shall in such case be called the "respondent") may controvert the charge by filing with the board within twenty (20) days after service of the charge a written answer, verified upon oath or affirmation, which answer shall respond specifically to every allegation contained in the

charge; **provided**, however, the board may for good cause allow the registrant additional time in which to file such answer.

(D) If the respondent desires a hearing on the charge he shall within twenty (20) days after service of the same upon him notify the board in writing of his demand. The respondent may make such demand with or without filing an answer to the charge. If the respondent shall demand a hearing, the board or its panel having cognizance of the case shall set the time and place of such hearing and in writing notify the respondent thereof.

(E) If the respondent does not make answer as provided in subparagraph (C) of this section, the board or said panel shall consider the case on the complete file (which shall include all reports of investigation or other inquiry, all charges and interrogatories, all transcripts of hearings and exhibits, all memoranda analyzing the evidence or setting forth conclusions, findings, recommendations, determinations, decisions or other actions in the case, and all affidavits, supporting documents, correspondence or memoranda in connection with the investigation, determination, decision and closing of the case). Despite the respondent's failure or refusal to answer, the board or said panel shall notify him of the time and place the case will be considered, in order that the respondent and his counsel or other representative may appear if he so desires.

(F) If the respondent makes answer as provided in said subparagraph (C) but does not demand a hearing, the board or said panel shall then consider the case on said complete file (including such answer). Before making a determination, however, the board or said panel may, in its discretion, if it deems a hearing necessary or desirable, request the respondent to appear for a hearing, but cannot require him to appear and cannot require him to be a witness if he does appear.

(G) No inference or presumption shall be assumed by the board or any panel because of the failure or refusal of any registrant or respondent to reply to an interrogatory, or to answer a charge, or to demand a hearing on a charge, or to appear at a hearing on a charge, or to refuse to be a witness at such a hearing which he may attend.

(H) The board may take testimony and receive other evidence or information at the time of or prior to the hearing on the charge. It may require a representative of the commission to be present before it and evaluate information furnished by the commission to the board, but it shall not be empowered at any time to require the commission or its representative to divulge any confidential source of information.

Any such appearance by a representative of the commission shall be in private and before the board members only.

(I) At the hearing on a charge, testimony shall be given under oath or affirmation. Strict rules of evidence shall not be applied, but reasonable bounds shall be maintained as to competency, relevancy and materiality.

(J) Every board or panel hearing on a loyalty charge shall be private, except that the respondent may be present in person and with one attorney or representative of his choosing.

(K) Witnesses produced by the respondent shall be subject to cross-examination by the board.

(L) The respondent may not be required to testify in the proceeding, but may testify in his own behalf if he so desires; **provided**, however, if he shall so testify, he shall be subject to cross-examination by the board. [L. 1951, c. 256, s. 13.]

[**Sec. 580.14.**] Section 14. [**Review of panel decisions.**] If the decision of a panel shall be adverse to the respondent, the case shall then be considered by the board on the record of proceedings and exhibits had before the panel. The board shall then take one or more of the following actions, as it may deem appropriate and just:

(A) Affirm the decision of the panel without further proceedings.

(B) Reverse the decision of the panel without further proceedings.

(C) Require a rehearing or a further hearing of the case before the board, and at the conclusion thereof affirm or reverse the decision of the panel. The board shall notify the respondent in writing of the decision in the case. [L. 1951, c. 256, s. 14.]

[**Sec. 580.15.**] Section 15. [**Orders of board.**] Where the decision of the board is unfavorable to the respondent, the board shall issue an order, directed to the appropriate appointing or employing authority and directed to the auditor or other disbursing officer who issues warrants to pay the respondent for his services as a public officer or public employee, certifying the board's finding that there is a reasonable doubt of the respondent's loyalty to the government of the United States or to the government of the Territory of Hawaii. Upon receipt of the board's order, (A) the appointing or employing authority shall discharge the respondent from office or employment, and (B) the appropriate auditor or other disbursing officer shall make no further payments of public funds to the respondent, except to pay the respondent the salary, wages, bonus or other compensation to which the respondent otherwise would be entitled if he were voluntarily

terminating his office or employment on the day such order is served on the appropriate auditor or other disbursing officer.

Where the respondent who is the subject of such order is a candidate for public office, the board shall direct and deliver its order to the official whose duty it would be to certify the election of the respondent were the latter to be elected, and such official shall not certify the election of such respondent.

Where the respondent who is the subject of such order is an applicant for public employment, the board shall direct and deliver its order to the appropriate appointing or employing authority who or which is considering the appointment or employment of the respondent.

In any case where the decision of the board is unfavorable to the respondent holding public office or employment, but the board shall find mitigating circumstances, the board may include in its order a provision that the respondent be permitted to resign his office or employment. If the respondent shall not resign within three (3) days after such order is served upon him, he shall be discharged as hereinbefore provided.

Any such order of the board shall be a confidential record and shall not be made public by anyone other than the respondent. [L. 1951, c. 256, s. 15.]

[Sec. 580.16.] Section 16. [Suspension pending hearing.] No registrant shall be suspended from office or employment until after a final determination of an unfavorable nature by the board, except in cases where the circumstances are such that a retention of the registrant in an active duty status may be detrimental to the interests of the territory or any political subdivision thereof. In such exceptional cases the registrant may be temporarily assigned to duties in which this condition would not exist, or be placed on vacation leave (provided he has sufficient vacation leave to his credit to cover the required period), be placed on leave without pay with his consent, or be suspended. Any such action against a registrant shall be taken only by the appropriate appointing or employing authority, but the board may suggest that such action be taken. [L. 1951, c. 256, s. 16.]

[Sec. 580.17.] Section 17. [Claims against government, barred when.] The provisions of chapter 220, Revised Laws of Hawaii 1945, shall not apply to any person suspended, removed or discharged under the provisions of this Act nor to any claim for wages, salary, bonus or other compensation of any such person. No court shall have jurisdiction to hear and determine any claim for wages, salary, bonus or other compensation of any person lawfully suspended, removed or discharged under the provisions of this Act. This Act shall not be con-

strued so as to prohibit any court of competent jurisdiction from entertaining or hearing any proper suit or action of which it would otherwise have jurisdiction to effect the suspension, removal or discharge of any officer or employee refusing or failing to comply with the provisions of this Act. [L. 1951, c. 256, s. 17.]

[Sec. 580.18.] Section 18. **[Disbursing officers, restrictions on.]** The provisions of section 612, Revised Laws of Hawaii 1945, shall apply with like force and effect in the case of every person whose election, appointment, employment or retention in office or employment has not been in accordance with this Act and any regulations in force hereunder. [L. 1951, c. 256, s. 18.]

[Sec. 580.19.] Section 19. **[Senate consent to removal.]** In the case of any officer who may only be removed from office by the governor by and with the advice and consent of the senate of the territory, (A) if any such officer shall fail or refuse to execute and file the personal history statement authorized and required by this Act, or (B) if the board shall find that there is a reasonable doubt of such officer's loyalty to the government of the United States or to the government of the Territory of Hawaii, then in either such case, upon the fact thereof being certified in the manner herein otherwise provided, the appropriate auditor or other disbursing officer shall make no further payments of public funds to such officer, except to pay such officer the salary, wages, bonus or other compensation to which he would otherwise be entitled if he were voluntarily vacating his office on the day a certificate of such fact is received by said appropriate auditor or other disbursing officer. [L. 1951, c. 256, s. 19.]

[Sec. 580.20.] Section 20. **[Standard for decision; evidence.]** The standard for the refusal of employment or office or the removal from employment or office on grounds relating to loyalty shall be that, on all the information before the board there exists a reasonable doubt of the respondent's loyalty to the government of the United States or to the government of the Territory of Hawaii. Activities or associations of a respondent which may be considered in connection with the determination of the issue whether such reasonable doubt exists may include one or more of the following:

- (A) Sabotage, espionage, or attempts or preparations therefor, or knowingly associating with spies or saboteurs;
- (B) Treason or sedition or advocacy thereof;
- (C) Advocacy of revolution or force or violence to alter the constitutional form of government of the United States or of the Territory of Hawaii;

(D) Intentional, unauthorized disclosure to any person, under circumstances which may indicate disloyalty to the United States, of documents or information of a confidential or non-public character obtained by the person making the disclosure as a result of his employment by the government of the United States or of the Territory of Hawaii;

(E) Performing or attempting to perform his duties, or otherwise acting, so as to serve the interest of another government in preference to the interest of the United States;

(F) Membership in, affiliation with or sympathetic association with any foreign or domestic organization, association, movement, group or combination of persons, designated by the attorney general of the United States as totalitarian, fascist, communist, or subversive, or as having adopted a policy of advocating or approving the commission of acts of force or violence to deny other persons their rights under the constitution of the United States, or as seeking to alter the form of government of the United States by unconstitutional means.

Provided, however, that a finding against the respondent on any of the matters specified in subparagraphs (A) through (F), above, shall not require the board to find against the respondent in the case, it being intended that subparagraphs (A) through (F) are merely specifications of information or evidence which the board may consider in making its determination of the case; and **provided**, further, that the board may consider any other information relevant to the issue to be determined. [L. 1951, c. 256, s. 20.]

[Sec. 580.21.] Section 21. [No judicial review; exception.] Except where the board shall exceed its powers given by this Act or shall deprive a respondent of his rights guaranteed herein, the proceedings and orders of the board had under the provisions of this Act shall not be subject to review by any court. The provisions of chapter 2, Revised Laws of Hawaii 1945, as now or hereafter amended, shall not apply to any person suspended, removed or discharged under the provisions of this Act. [L. 1951, c. 256, s. 21.]

[Sec. 580.22.] Section 22. [Board records confidential.] The files and records of the board shall be confidential records. Such files and records shall not be subject to subpoena in any matter or proceeding, nor shall the testimony of any member or subordinate of the board be compellable or given concerning such files and records and any contents thereof; **provided**, however, that the commission shall be permitted to examine such files and records and make copies of or extracts therefrom. [L. 1951, c. 256, s. 22.]

[Sec. 580.23.] Section 23. [Powers and duties.] The board, in exercising the powers and performing the functions vested in it by this Act, shall have all powers necessary or convenient to accomplish the objects and purposes of this Act, including, but not limited to, the following duties and powers:

(A) To adopt and, from time to time, amend or revise rules as may be necessary or desirable to govern its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter).

(B) To meet at any and all places in this territory.

(C) With the approval of the governor, to make regulations it may deem necessary for the administration of this Act, which regulations shall apply to the territory and its political subdivisions and shall not require a public hearing thereon or publication in order to be valid.

(D) To preserve the secrecy of every loyalty proceeding and of the records and files of the board.

(E) To provide that every respondent and every witness appearing before the board or any panel thereof shall have the right to be accompanied by counsel, who shall be permitted to advise his client of his rights.

(F) To provide that every respondent be permitted to inspect a stenographic record of his own testimony. [L. 1951, c. 256, s. 23.]

[Sec. 580.24.] Section 24. [Oaths; perjury.] Each member of the board and every subordinate designated by the board in its rules is authorized and empowered to administer oaths. False swearing by any respondent or by any witness before the board or any panel thereof or by any registrant in any statement required or authorized to be filed under the provisions of this Act shall constitute perjury and shall be punished as such.

Section 11511, Revised Laws of Hawaii 1945, shall apply to any indictment for any crime prescribed by this section.

Any person convicted under this section shall be forever barred from holding office or employment under the government of the territory or any political subdivision thereof, and he shall not be eligible for suspension of imposition or execution of sentence or probation. [L. 1951, c. 256, s. 24.]

[Sec. 580.25.] Section 25. [Co-operation with board.] Every department, commission, board, agency, officer and employee of the territory and of any political subdivision thereof shall furnish the board or any panel thereof, upon request, any and all such assistance, information, records and documents as the board or panel

deems proper for the accomplishment of the purposes for which the board is created; and any officer or employee of the territory, or of any political subdivision thereof, shall, upon written request of the board, or of any panel thereof, appear before the board or such panel, as the case may be, and shall give such evidence, information or testimony and produce such official records as may be required of him. [L. 1951, c. 256, s. 25.]

[**Sec. 580.26.**] Section 26. [**Clerical and legal assistance.**] The territorial civil service commission shall furnish to the board such clerical and administrative assistance as the board reasonably may require. The board may select as its executive secretary or administrative officer some subordinate of the civil service commission, who shall serve in such capacity without additional compensation. The attorney general shall be the legal adviser to the board. [L. 1951, c. 256, s. 26.]

[**Sec. 580.27.**] Section 27. [**Salaries and expenses.**] The members appointed to the board shall serve without compensation but shall be reimbursed for their actual traveling and hotel expenses incurred by them while attending sessions of the board or any panel thereof at any time or times during the lawful existence of the board and in the performance of any individual duty required of them by the board, the same to be paid upon vouchers approved by the chairman or vice chairman of the board, from such funds as may be made available therefor. The salaries and expenses of any expert, technical and other assistants employed by the board and all other proper costs, charges and expenses incurred by the board shall be paid upon vouchers approved by the chairman or vice chairman of the board from such funds. [L. 1951, c. 256, s. 27.]

Section 28. [**Appropriation.**] There is hereby appropriated from the general revenues of the territory for the purpose of defraying the expenses of the board, the sum of six thousand dollars (\$6,000.00), or so much thereof as may be necessary, said funds to be paid out of the treasury of the territory on vouchers as herein provided on the warrant of the auditor of the territory.

Section 29. [**Severability.**] If any phase, clause, sentence, subsection, section, provision or part of this Act, or its application to any person or circumstances, is for any reason held to be unconstitutional or invalid, the remaining portions of this Act or the application of this Act to other persons or circumstances shall not be affected, and such remaining portions of this Act shall remain in full force and effect thereafter. The legislature hereby declares that it would have passed this Act, and each phrase,

clause, sentence, subsection, section, provision or part thereof, irrespective of the fact that any one or more of the phrases, clauses, sentences, subsections, sections, provisions or parts be declared unconstitutional or invalid.

Section 30. This Act shall take effect upon its approval.

(Approved May 31, 1951.) H.B. 1054, Act 256.

Chapter 13. LOYALTY LAW.

Series A-21: ACT 154

An Act Amending Chapter 13 of the Revised Laws of Hawaii 1945, as Amended, Relating to the Loyalty Oath of Government Officers and Employees.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 13 of the Revised Laws of Hawaii 1945, as amended, is further amended in the following respects:

(1) By amending the first paragraph of section 600, as amended, to read as follows:

"Sec. 600. Oath required of public officers and employees. All persons hereinafter elected to or appointed or employed in the government of the territory or any county, or in any political subdivision thereof, or appointed to or employed in any office or employment, any part of the compensation of which is paid out of public funds shall, before entering upon the duties of their respective offices or employments, take and subscribe to the following written oath or affirmation:

'I, _____, do solemnly swear and declare, on oath, that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I do not hold membership in, pay assessments, dues, or make contributions to any organization or any political party which advocates the overthrow of the constitutional form of government of the United States of America or any change in the government of the United States of America, except as provided by its Constitution; that I take this obligation freely, without any mental reservation or purpose of evasion; So help me God.'"

(2) By repealing section 600.01.

Section 2. If any section, sentence, clause or phrase of this Act, or its application to any person or circumstances, is for any reason held to be unconstitutional or invalid, the remaining portions of this Act, or the application of this Act to other persons or circumstances, shall not be affected. The legislature hereby declares that it would have passed this Act and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 3. This Act shall take effect on the first day of the first month following its approval.

(Approved May 23, 1951.) H.B. 1056, Act 154.

Note: for balance of § 600, see S. L. 1949, pp. 45, 46.

§ 605. Applicants * * *. Am. L. 1947, Act 117 [A-18], rewritten p. 27.

§ 615. Duplicate taking. Am. L. 1945, Act 131 [A-17].

Chapter 14. PENSIONS: GENERAL PROVISIONS.

§ 631. Pensions. Am. L. 1947, Act 28 [A-19], rewritten p. 27.

§§ 635.01-.04. Pension commission. NEW, L. 1945, Act 218 [A-18].

Chapter 15. RETIREMENT SYSTEM.

Series A-22: ACT 110

An Act to Amend Chapter 15 of the Revised Laws of Hawaii 1945, Relating to the Employees' Retirement System of the Territory of Hawaii.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 15 of the Revised Laws of Hawaii 1945, as amended, is hereby amended as follows:

(a) By amending the definition of the term "employee" contained in section 701 to read as follows:

"'Employee': Any regular and permanent employee or officer of the territory or any county whose business is devoted exclusively to the service of the territory or county, including inspectors, workers employed and compensated on an hourly or daily basis, principals, teachers and special teachers regularly employed in the public schools, apprentices and on-the-job trainees whether or not supported in whole

or in part by any federal grant, and members of the legislature who elect to be so classified. The board shall determine who are employees within the meaning of this chapter."

(b) By amending subsection 1 of section 703 to read as follows:

"1. Except as otherwise provided in this section, all employees of the territory or any county on July 1, 1945, shall be members of the system on such date, and all persons who shall thereafter enter or re-enter the service of the territory or any county shall become members at the time of their entry or re-entry. Per diem employees shall become eligible for membership on January 1, 1952 and all per diem employees in service on January 1, 1952 shall become members as of that date and all per diem employees who shall thereafter enter or re-enter the service of the territory or of any county shall become members at the time of their entry or re-entry. Members of the legislature shall become eligible for membership on July 1, 1951. Any member of the legislature in service on July 1, 1951, or thereafter entering or re-entering the legislature, may become a member upon his own election. No member shall receive any pension or retirement allowance from any other pension or retirement system supported wholly or in part by the territory or any county."

(c) By deleting the fourth sentence of subsection 5 of section 704 and inserting the following:

"notwithstanding the foregoing, any member may file with the board within one year after beginning membership, on a form approved by the board, a statement of all service as an employee or other service paid for by the territory or county rendered prior to the date of his last becoming a member which is not otherwise creditable to him, for which he claimed prior service credit, and also a statement of such service for which he claims membership service credit and for which he agrees to have additional deductions made from his compensation as hereinafter described."

(d) By adding a new section 704.02 to follow after section 704.01 and to read as follows:

"Sec. 704.02. Service while per diem employee. Under such rules and regulations as the board may adopt each per diem employee who becomes a member on and after January 1, 1952, shall file on a form approved by the board, a detailed statement of all services as an employee rendered by him prior to January 1, 1952 for which he claims credit. The board shall verify as soon as practicable the period of

services therein claimed and shall allow credit therefor as prior service, anything to the contrary in this chapter notwithstanding." [L. 1951, c. 110, s. 1(d).]

(e) By adding a new section 704.03 to follow after 704.02 and to read as follows:

"Sec. 704.03. Service while a member of the legislature. Under such rules and regulations as the board may adopt any member of the legislature who elects to become a member shall file, on a form approved by the board, a detailed statement of all service as a member of the legislature or as an employee of the Territory of Hawaii or any political subdivision thereof, rendered by him prior to July 1, 1951 for which he claims credit and which is not otherwise creditable to him under the provisions of this Act. The board shall verify as soon as practicable the period of service therein claimed and shall allow credit therefor as prior service, anything to the contrary in this chapter notwithstanding. All service rendered as a member of the legislature from and after July 1, 1951 shall be considered membership service." [L. 1951, c. 110, s. 1(e).]

Section 2. Any member who files a statement in the form required by subsection 5 of section 704 of the Revised Laws of Hawaii 1945, as amended by this Act, may avail himself of the benefits of this Act notwithstanding that such filing is more than one year subsequent to the date of his last becoming a member.

Section 3. There is hereby appropriated out of the general revenues of the territory not otherwise appropriated the sum of one hundred fifty thousand dollars (\$150,000.00) for the biennium ending June 30, 1953 toward the provision of the benefits for service arising from the provisions of this Act. As a part of the actuarial valuation of the liabilities of the employees' retirement system of the territory for the year 1952, the amount of liability on account of this additional service shall be determined and the amount of such liability remaining shall be ascertained. The amount so ascertained shall be reported to the legislature and an amount not less than the biennial payment which over a period of four biennia would completely cover the remaining liability shall be included in the appropriation request for the retirement system when it is presented to the legislature. So long as at least the biennial payments herein prescribed are made, full benefits shall be payable and only in the event that the legislature shall fail to make such biennial appropriations shall the benefits thereafter payable on account of such service

be reduced to the amounts which can thereafter be paid from the funds remaining from the appropriations made for such purpose.

Section 4. This Act shall take effect upon its approval.

(Approved May 18, 1951.) H.B. 176, Act 110.

§§ 701, 703, 703.01, 704. Retirement, chapter 15, changes in 1945 and 1947, shown in full L. 1947, supplement, pages 574-587.

§ 704. Service creditable. Am. L. 1949, Act 269 [A-22].

Series A-23: ACT 193

An Act Extending Service Credit in the Employees' Retirement System of the Territory to Certain Members for Periods of Employment by the Legislature.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 704.01 of the Revised Laws of Hawaii 1945, as enacted by Act 58 (Ser. A-23) of the Session Laws of Hawaii 1947, is hereby amended by adding thereto a new paragraph to read as follows:

"Any member who, prior to his becoming a member, was employed as an employee of the legislature during any legislative session shall be entitled to creditable service for the period of such employment, **provided** that for a period equal to the period for which such service credit shall be allowable, the deductions from the member's compensation shall be twice the proportion provided for in subsection 1 of section 712, and such deductions shall be paid into the annuity savings fund, to be credited to the individual account of the member and become part of his accumulated contributions."

Section 2. Moneys sufficient to cover the government's contributions to the employees' retirement system of the Territory on account of service creditable under the provisions of section 1 of this Act are hereby appropriated from the general fund of the Territory.

Section 3. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 28, 1951.) S.B. 405, Act 193.

§§ 704.01, 705, 707, 708, inclusive to 1947, retirement chapter changes, see L. 1947, supplement, pages 574 to 587.

Series A-24: ACT 93

An Act Relating to the Employees' Retirement System of the Territory of Hawaii and Amending Section 707 of the Revised Laws of Hawaii 1945, as Amended.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Subsection 2 of **section 707** of the Revised Laws of Hawaii 1945, as amended, is hereby further amended to read as follows:

"2. The board shall consist of seven trustees as follows: (a) the treasurer of the Territory, ex officio; (b) three members of the system, two of whom shall be general employees and one of whom shall be a teacher, to be elected by the members of the system, under such rules and regulations as may be adopted by the board to govern such election, to serve for terms of six years each, one of such terms to expire on January 1 of each even-numbered year; **provided**, however, that the present members shall serve until the expiration of their terms and that at the first election held in 1951, one teacher shall be elected for a term to begin January 2, 1952 and to expire January 1, 1956, and one general employee shall be elected for a term to begin January 2, 1952 and to expire January 1, 1958; (c) three citizens of the Territory who are not employees, one of whom shall be a responsible officer of a bank authorized to do business within the Territory, or a person of similar experience, to be appointed by the governor to serve for a term of six years each, one of such terms to expire January 1 of each odd-numbered year. Each trustee shall serve until his successor is elected or appointed, as the case may be, and qualified."

Section 2. The present appointees shall continue in office until the expiration of their terms and an additional trustee shall be appointed by the governor to serve for a term beginning January 2, 1952 and ending January 1, 1957.

Section 3. Subsection 6 of **section 707** of the Revised Laws of Hawaii 1945, as amended, is hereby amended to read as follows:

"6. Four votes necessary. Each trustee shall be entitled to one vote in the board. Four votes shall be necessary for a decision by the trustees at any meeting of the board.

Section 4. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 18, 1951.) S.B. 388, Act 93.

Series A-25: ACT 158

An Act to Amend Chapter 15 of the Revised Laws of Hawaii 1945, as Amended, Relating to the Employees' Retirement System of the Territory of Hawaii.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 15 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended in the following respects:

(a) By inserting the words "in service" in the second line of subsection 3 of **section 708** thereof immediately before the words "or of the head of his department"; and

(b) By amending subsection 5 of **section 708** thereof to read as follows:

"5. Accidental disability benefit. Upon application of a member in service, or of the head of his department, any member who has been totally and permanently incapacitated for duty as the natural and proximate result of an accident occurring while in the actual performance of duty at some definite time and place, through no negligence on his part, shall be retired by the board; **provided** that such accident shall have occurred within one year of the filing of such application and while he was a member in service; and **provided** further that the medical board shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent, and that such member should be retired."

Section 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 23, 1951.) S.B. 521, Act 158.

Series A-26: ACT 140

An Act Relating to the Retirement System and Amending Section 708 of the Revised Laws of Hawaii 1945, as Amended.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 708 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by amending paragraph (a) of subsection 7 thereof to read as follows:

“(a) Should a disability beneficiary be restored to active service at a compensation less than his average final compensation upon the basis of which he was retired, he shall not become a member of the system.”

Section 2. Any disability beneficiary receiving a reduced pension on the effective date of this Act, because of gainful employment, shall have his pension restored as of such date to the amount certified by the actuary.

Section 3. This Act shall take effect on the first day of the month immediately following the date of approval.

(Approved May 21, 1951.) H.B. 413, Act 140.

Series A-27: ACT 127

An Act Relating to the Employees' Retirement System of the Territory of Hawaii and Amending Section 708 of the Revised Laws of Hawaii 1945, as Amended.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Subsection 8 of section 708 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding at the end of the subsection the following:

“Optional settlements. The member, or on the death of the member, the beneficiary who is to receive either the member's accumulated contribution, his death benefit, or both, may provide by written designation duly executed and filed with the board that the actuarial equivalent of the accumulated contribution, or the death benefit, or both as the case may be, shall be paid to the beneficiary under one of the options hereinafter set forth. Any annuity shall be payable in installments not oftener than once a month

unless the payment amounts to less than ten dollars a month, in which case full settlement shall be made in a lump sum. The amount of such annuity shall be determined at the time of the member's death on the basis of the option selected, interest at the regular rate, and the age and sex of the beneficiary at that time.

The member, or the beneficiary, may select one of the following options; **provided**, however, that in the event the selection is to be made by the beneficiary, such selection shall be made within sixty days of the death of the member:

Option A. An annuity to begin immediately upon the death of the member; or

Option B. A deferred annuity, payment to begin on the date specified in the written designation; **provided**, however, that in the event the beneficiary to receive this deferred annuity shall die before any annuity payments are paid, then the principal on which the annuity was based, together with interest, shall be paid to the estate of such beneficiary; or

Option C. In equal monthly installments over a designated number of years to be specified by the beneficiary to receive the benefit; **provided**, however, that in the event the beneficiary should die before the end of the period, payments shall be continued to such person as the beneficiary shall have designated prior to his death until payment is made in full; or

Option D. A reduced annuity, payable for life, with the further proviso that if the beneficiary should die before the annuity payments received by him are equal to the principal on which the annuity was based, the balance thereof shall be paid in a lump sum to such beneficiary's estate or to such person as such member or the beneficiary shall have designated prior to his death; or

Option E. Cash payment in part and a reduced annuity under option A, B, C or D above.

No annuity under this paragraph shall be considered an annuity, pension or retirement allowance within the meaning of section 701 or of any law relating to minimum pensions or bonuses to pensioners."

Section 2. Subsection 11 of section 708 of the Revised Laws of Hawaii 1945, as amended, is hereby amended by adding a new sentence following the end of the paragraph headed "Option 1" to read as follows:

"The person designated to receive the balance remaining in the retirement allowance may elect to receive this balance in one of the following ways:

(a) Lump sum; or

(b) A life annuity payable in installments not oftener than once a month unless the payment amounts to less than ten dollars a month in which case full settlement shall be made in a lump sum; or

(c) Cash payment in part, and a reduced annuity as described under (b) above.

Section 3. This Act shall take effect upon its approval.

(Approved May 19, 1951.) H.B. 881, Act 127.

§ 708. Benefits. * * * Ordinary death benefit. Am. L. 1949, Act 200 [A-23].

§ 710. Custody and investment of funds; protection of securities. Am. L. 1947, Act 233 [A-24]; L. 1949, Act 297 [A-24]; Am. Sp. L. 1949, Act 27 [A-8]. See Session Laws of 1947, pp. 585-587.

Series A-28: ACT 156

An Act Relating to Beneficiaries of the Retirement System Provided by Chapter 15 of the Revised Laws of Hawaii 1945, as Amended.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 15 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding a new section thereto to be designated section 718.01, reading as follows:

"Sec. 718.01. [Named beneficiaries, effect of marriage or death.] All nominations of beneficiaries by written designation made by one who is unmarried, or whose spouse predeceases him, shall become null and void upon the subsequent marriage of such person and such subsequent marriage shall operate as a complete revocation of such designation and all benefits payable by reason of the death of such person shall be payable to his legal representatives, unless, after such marriage, he shall have made other provision in a written designation duly executed and filed with the board." [L. 1951, c. 156, s. 1.]

Section 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 23, 1951.) S.B. 141, Act 156.

Series A-29: ACT 245

An Act Relating to the Contributions Payable
by the Territory of Hawaii to the Employees' Retirement System.

Be it Enacted by the Legislature of the Territory of Hawaii:

[Sec. 718.02.] Section 1. [Contributions by certain agencies.] Each of the departments and agencies hereinafter named or described shall reimburse the Territory for the respective amounts payable by the Territory to cover the liability of the Territory to the various funds of the employees' retirement system on account of the employees in such departments and agencies. This provision shall apply to the board of harbor commissioners, the Hawaii aeronautics commission, the Hawaii housing authority and any other department or agency of the Territory which is authorized by law to fix, regulate and collect rents, rates, fees or charges of any nature; **provided**, however, that in the case of the Hawaii housing authority the provisions herein shall not apply as to rental units receiving federal subsidies until approval has been obtained from the public housing authority. [L. 1951, c. 245, s. 1.]

[Sec. 718.03.] Section 2. [Same; from federal funds.] Whenever any department or agency of the Territory is receiving federal aid funds which may be expended for the purpose of covering the liability of the Territory to the various funds of the employees' retirement system, such department or agency shall set aside a portion of such federal funds sufficient to cover the amount of the Territory's liability to the various funds of the employees' retirement system on account of the employees in such department or agency whose compensation is paid in whole or part from such federal funds. [L. 1951, c. 245, s. 2.]

[Sec. 718.04.] Section 3. [Determination of amount; payment.] The amount payable by each department or agency of the Territory covered by section 1 or 2 of this Act shall be determined at least quarterly by the bureau of the budget on the basis of the payroll of the employees of such department or agency who are members of the employees' retirement system multi-

plied by the percentages certified biennially by the actuary for the Territory of Hawaii. The auditor of the Territory or any department or agency having control of its own funds shall, upon information furnished by the bureau of the budget, issue a warrant for the proper amount to the employees' retirement system of the Territory of Hawaii, charging the same to the appropriate fund, and the employees' retirement system shall place all such sums to the credit of the Territory of Hawaii as part payment of the Territorial contributions to the various funds of the employees' retirement system. [L. 1951, c. 245, s. 3.]

Section 4. This Act shall take effect July 1, 1951.

(Approved May 28, 1951.) S.B. 382, Act 245.

Old §§ 719, 720, 721, repealed L. 1949, Act 370 [A-20].

SPECIAL BENEFITS FOR MEMBERS IN MILITARY SERVICE.

§§ 719, 720, 721. NEW, L. 1951, Act 262 [A-19], supra.

Chapter 15 A. STRIKES AGAINST GOVERNMENT, PROHIBITED.

§§ 730-34. Prohibiting strikes against government. NEW, Sp. L. 1949, Act 42 [A-9].

Title 2: AGRICULTURE, FORESTRY, FISHING.

Chapter 16. GENERAL ADMINISTRATION.

§ 1000. Commissioners, appointment, tenure. Am. L. 1949, Act 55 [A-26].

§ 1006. Duties of the board, general. Am. L. 1947, Act 178 [A-25]; Am. L. 1949, Act 83 [A-27].

§ 1006.01. Permits * * * for scientific purposes. NEW, L. 1945, Act 14 [A-21].

§ 1011.01. Enforcement of other laws. NEW, L. 1947, Act 13 [A-26].

§ 1011.02. Agents to sell licenses. NEW, L. 1949, Act 82 [A-28].

§ 1011.03. Hunting licenses, badges, fees; penalties. NEW, L. 1949, Act 84 [A-29].

§ 1033. Seizure and forfeiture of fishing and hunting gear. NEW, L. 1947, Act 14 [A-27]; Am. L. 1949, Act 66 [A-30], rewritten p. 54.

§ 1034.01. Farm advisory board, creation, term, etc. NEW, L. 1949, Act 235 [A-31].

§ 1034.02. Powers, duties, assistants, advisory functions. NEW, L. 1949, Act 235 [A-31].

TERRITORIAL PARKS.

§§ 1040-1048.01. Territorial Parks. NEW, L. 1949, Act 185 [A-32].

Chapter 17. ANIMALS AND BRANDS.

§ 1056. Landing (of any animal) not an entry. Am. L. 1947, Act 177 [A-28], rewritten p. 39.

Series A-30: ACT 32

An Act to Amend Section 1071 of the Revised Laws of Hawaii 1945, Relating to Owners of Unbranded Animals.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 1071, Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"Sec. 1071. Owners of unbranded animals. All cattle, horses, mules, donkeys, sheep, goats and swine, over twelve months of age, not marked or branded, which may be running wild at any time on any lands in the Territory, shall belong to and be the property of the owners or lessees of the lands on which the animals are then running." [L. 1870, c. 30, s. 1; am. L. 1874, c. 27, s. 1; R. L. 1925, s. 684; R. L. 1935, s. 262; R. L. 1945, s. 1071; am. L. 1951, c. 32, s. 1.]

Section 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 4, 1951.) S.B. 284, Act 32.

§ 1076. Dairy, etc. cattle; tuberculin tests. Am. L. 1945, Act 104 [A-22].

§ 1087. Animals on public roads. Am. L. 1947, Act 15 [A-29], rewritten p. 40.

§ 1088.01. Trespassing by animals. NEW, L. 1945, Act 266 [A-23].

§ 1090. Expenses, trespassing animals. Am. L. 1947, Act 15 [A-29], rewritten p. 40.

§ 1095.01. Game mammals defined; exception. NEW, L. 1949, Act 186 [A-33].

Chapter 18. BIRDS AND DEER.

§ 1151. Open and close seasons and bag limits on game birds. AM. L. 1949, Act 145 [A-34].

§ 1151.01. Open season, days of. Rep. L. 1949, Act 145 [A-34].

§ 1152. Definition of game birds. AM. L. 1949, Act 145 [A-34].

§ 1153. Penalty. AM. L. 1949, Act 145 [A-34].

GAME RESERVES.

Series A-31: ACT 6

An Act Authorizing the Board of Commissioners of Agriculture and Forestry to Establish, Manage and Regulate Game Reserves and Refuges and Public Shooting Grounds, and Providing Penalties.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 18 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto the following sections, to be appropriately numbered:

"Sec. 1179. Game reserves, refuges, public shooting grounds. For the purpose of preserving, protecting, conserving and propagating birds and mammals, the board of commissioners of agriculture and forestry shall have the power to establish, maintain, manage and operate game reserves and refuges and public shooting grounds on such lands under its control as it may deem desirable. The board shall have power to enter into agreements for the taking of control of privately owned lands for such purposes. The board shall have power, with the approval of the governor, to make and amend such rules and regulations as it may deem necessary for the regulation of such reserves, refuges and shooting grounds. [L. 1951, c. 6, pt. of s. 1.]

Sec. 1180. Penalty. It shall be unlawful for any person to enter any game reserve or refuge or public shooting ground established under the provisions of the preceding section without having first obtained a permit from the board of commissioners of agriculture and forestry or to violate any rule or regulation adopted by the board governing such places. Any person violating the provisions of this section or any such rule or regulation shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$10 nor more than \$200, or by imprisonment of not more than ninety days, or by both fine and imprisonment.

Any hunting gear or appliance used or possessed in violation of any such rule or regulation shall be deemed a public nuisance and shall be seized and forfeited in the manner provided in section 1033." [L. 1951, c. 6, pt. of s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved April 26, 1951.) H.B. 966, Act 6.

Chapter 18 A. ECONOMIC POISONS.

§§ 1180-.01-.09. NEW, L. 1945, Act 60 [A-24].

§ 1180.03. Inspectors. Am. L. 1949, Act 136 [A-35], rewritten p. 65.

Series A-32: ACT 57

An Act to Amend Act 60 of the Session Laws of Hawaii 1945, Relating to the Registration of Economic Poisons.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Subsection (b) of section 8 [Sec. 1180.08.] of Act 60 (Ser. A-24) of the Session Laws of Hawaii 1945 is hereby amended to read as follows:

"(b) A registration fee of \$10.00 shall be paid to the board for each economic poison registered. Such registration shall expire on July 1st of each year but may be renewed for one year by the payment of a fee of \$10.00."

Section 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 10, 1951.) S.B. 282, Act 57.

Chapter 19. FISHING AND MARINE LIFE.

§ 1212. Condemnation of fisheries. Am. L. 1947, Act 200 [A-12], rewritten p. 17.

§§ 1214.01-.02. Possession, sale of fish, etc. NEW, L. 1945, Act 107 [A-25].

§§ 1214.03-.06. Fishing licenses. Rep. Sp. L. 1949, Act 57 [A-10]. NEW, L. 1949, Act 348 [A-36].

§ 1216. Aliens not admitted to United States. Am. L. 1949, Act 211 [A-37].

§ 1217.01. Emergency exceptions to fishing laws. NEW, L. 1945, Act 127 [A-26]. Terminated (?) L. 1949, Act 370 [A-20], s. 2.

Series A-33: ACT 53

An Act Relating to the Operation of Fish Traps, Providing for Licenses and Penalties, Amending Chapter 19 and Repealing Sections 7071 and 7072 of the Revised Laws of Hawaii 1945.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 19 of the Revised Laws of Hawaii 1945, as amended is hereby further amended by adding thereto two new sections to be appropriately numbered by the secretary of Hawaii and to read as follows:

"Sec. 1222.01. Fish traps. No person shall place, set or operate any fish trap, in the waters or sea fisheries of the territory except as hereinafter provided.

Any person holding a commercial fishing license under the provisions of section 1258 or an excess catch sale license under the provisions of section 1258.01 may obtain a license to place, set and operate fish traps, from the division of fish and game of the board of commissioners of agriculture and forestry, which licenses said division is hereby authorized and empowered to issue, upon payment of a fee of five dollars and filing of a properly completed application in such form as may be prescribed by the division. Any such license shall be in force from the time of issuance to June 30 following the date of issue. A fee of five dollars shall be paid for each annual renewal of any such license.

Any person who is a resident of the territory may register with the division, without charge and on such form as may be prescribed by the division, as an operator of fish traps. Such registration shall permit the registrant to place, set and operate fish traps solely for his own home consumption so long as he does not sell any part of his catch and so long as he remains a resident of the territory. [L. 1951, c. 53, pt. of s. 1.]

Sec. 1222.02. Penalties. Any person violating any of the provisions of the preceding section shall be guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine not exceeding fifty dollars." [L. 1951, c. 53, pt. of s. 1.]

Section 2. Sections 7071 and 7072 of the Revised Laws of Hawaii 1945 are hereby repealed.

Section 3. This Act shall take effect upon its approval but shall not apply during the period of the license to any person

holding a valid county license issued prior to the effective date of this Act and shall not affect the liability of any person to prosecution and punishment for any criminal offense committed prior to said effective date or committed while holding a valid county license issued prior to the effective date of this Act, and all such offenses may be prosecuted and punished the same as if this Act had not been enacted.

(Approved May 10, 1951.) H.B. 229, Act 53.

§ 1223. Nets and traps, minimum sizes. AM. L. 1949, Act 211 [A-37].

§ 1224. Repealed, L. 1949, Act 211 [A-37].

§ 1227. Repealed, L. 1949, Act 211 [A-37].

§ 1227.01. Fine meshed throw nets. NEW, L. 1947, Act 12 [A-31].

§ 1229. Fishing with firearms. Am. L. 1949, Act 211 [A-37], rewritten pp. 69, 70.

§§ 1229.01-.03. Fishing with chemicals, poisons, intoxicants, etc. NEW, L. 1949, Act 49 [A-38].

Series A-34: ACT 58

An Act Relating to Fishing in Certain Canals, including the Kapaa and Waikaea Canals on Kauai, and Amending Section 1231 of the Revised Laws of Hawaii 1945, as amended.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 1231 of the Revised Laws of Hawaii 1945, as amended is hereby further amended by amending the first paragraph thereof to read as follows:

"Sec. 1231. Fishing in Waikiki and other canals; penalty.

It shall be unlawful for any person to fish in the waters of the Waikiki reclamation canal, the drainage canal constructed in connection with the Kapiolani Boulevard or the Kapa-lama drainage canal on Oahu, or the Kapaa and Waikaea canals, on Kauai, with any device whatsoever, except as hereinafter provided."

Section 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 10, 1951.) S.B. 289, Act 58.

§ 1231. The balance of this section reads:

Any person may fish for or take any fish with one line, or one rod and line, provided the line shall not have more than two hooks and provided

that such fishing is hereby authorized in the Waikiki Reclamation Canal at any time; or may take crabs with not more than two nets, provided the nets shall not exceed two feet in diameter, or may take shrimps for bait purposes only with a hand net, provided the net shall not exceed three feet in any dimension.

With a permit obtained from the board of commissioners of agriculture and forestry and under such rules and regulations as the board may prescribe, the owner or operator of a fish pond may take pua or other small fish, using nets, for the purpose of stocking such fish pond.

With a permit from the board of commissioners of agriculture and forestry, commercial fishermen may take nehu or iao, using nets, for bait purposes only.

The board may issue such permits at its discretion and at any time may revoke any or all such permits when, in its judgment, such action is necessary to preserve the stock of fish in said canals.

Any person who shall violate any provision of this section shall, upon conviction, be punished by a fine of not more than two hundred dollars nor less than twenty-five dollars, or by imprisonment not to exceed six months or by both fine and imprisonment. [L. 1923, c. 41, ss. 1, 2; R. L. 1925, s. 770; R. L. 1935, s. 384; am. L. 1943, c. 26, s. 1 and c. 195, ss. 1, 2; R. L. 1945, s. 1231; am. L. 1947, c. 19, s. 1; am. L. 1949, c. 154, s. 1; am. L. 1951, c. 58, s. 1.]

§ 1232. Minimum sizes. Am. L. 1949, Act 211 [A-37].

§ 1237. Nehu and iao. Am. L. 1947, Act 179 [A-33].

Series A-35: ACT 13

An Act to Amend Section 1238 of the Revised Laws of Hawaii 1945, Relating to Opelu Fishing.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 1238 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 1238. Opelu fishing regulated; penalty. It shall be unlawful for any person at any time, to fish for or take, or be engaged in fishing or taking opelu with fish or animal bait within the waters off the coast of South Kona, island of Hawaii, between the Kiilae-Keokea boundary and the Kapua-Kaulanamauna boundary, except with hook and line. Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars." [L. 1925, c. 67, ss. 1, 2; R. L. 1935, s. 379; R. L. 1945, s. 1238; am. L. 1951, c. 13, s. 1.]

Section 2. This Act shall take effect upon its approval, provided, that this Act shall not affect the liability of any person to prosecution and punishment for any criminal offense committed prior to said effective date and all such offenses may be prosecuted and punished the same as if this Act had not been enacted.

(Approved May 1, 1951.) H.B. 221, Act 13.

INTRODUCED FRESH WATER GAME FISH.

§§ 1241.01-.04. Introduced fresh water game fishing; license, etc. NEW, Sp. L. 1949, Act 57 [A-10].

§ 1246. Crustaceans with eggs. Am. L. 1949, Act 211 [A-37], rewritten p. 70.

§ 1256. Definitions. Am. Sp. L. 1949, Act 51 [A-11], rewritten p. 17.

§§ 1257-1259. AM. L. 1949, Act 272 [A-40].

§ 1260. Penalties; revocation of license, when. AM. L. 1947, Act 39 [A-34]; Am. L. 1949, Act 272 [A-40].

§ 1261. Statements. Am. L. 1947, Act 39 [A-34].

§§ 1263.01-.02. Reports; cancellation of permit. NEW, L. 1945, Act 23 [A-27].

§§ 1265, 1266, 1266.01. Fish dealers to report, etc. Am. L. 1945, Act 24 [A-28].

Chapter 20. FOOD PRODUCTS.

§§ 1301-03. Food inspection. Rep. L. 1945, Act 252 [A-29].

§§ 1301.01-.14. Food, grades of. NEW, L. 1947, Act 195 [A-35].

§§ 1311-16. Perishables. Rep. L. 1945, Act 252 [A-29].

§§ 1311.01-.10. Marketing of agricultural commodities. NEW, L. 1945, Act 252 [A-29].

§ 1311.06. Rep. L. 1949, Act 114 [A-41].

Series A-36: ACT 74

An Act to Regulate dealers in farm produce,
Amending Act 114 of the Regular Session Laws of
Hawaii 1949.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Act 114 [Series A-41.] of the Regular Session Laws of Hawaii 1949 is hereby amended to read as follows:

[**Sec. 1312.01.**] "Section 1. **Definitions.** For the purpose of this Act, unless otherwise required by the context:

'Board' means the board of commissioners of agriculture and forestry.

'Director' means the director of the division of marketing.

'Person' means any individual, firm, association, partnership or corporation.

'Producer' means any person engaged in the business of growing or producing any farm produce in the territory and shall include any cooperative organization composed exclusively of producers.

'Farm produce,' or 'farm product,' means all agricultural, horticultural, and vegetable produce of the soil; poultry, poultry products, livestock and livestock products, but shall not include (a) timber or timber products; (b) milk or milk products; (c) sugar cane or sugar cane products; or (d) pineapple or pineapple products, other than fresh pineapple purchased from a producer for resale in its natural state.

'Commission merchant' means any person who receives on consignment or solicits from the producer thereof any farm product for sale on commission on behalf of such producer, or who accepts any farm product in trust from the producer thereof for the purpose of resale, or who sells or offers for sale on commission any farm product, or who in any way handles for the account of or as an agent of the producer thereof any farm product.

'Dealer' means any person, other than a commission merchant, who contracts for or obtains possession or control of any farm product at a specified unit price from a producer thereof for resale in its natural state to other than the consumer thereof.

'Broker' means any person, other than a commission merchant or dealer, engaged in the business of soliciting or negotiating the sale of any farm product.

'Agent' means any person who, on behalf of any commission merchant, dealer, broker, processor or retail merchant receives, contracts for or solicits any farm products from a producer thereof, or who negotiates the consignment or purchase of any farm product on behalf of any commission merchant, dealer, broker, processor or retail merchant.

'Consignor' means any person who ships or delivers to any commission merchant, dealer, processor or retail merchant any farm product for handling, sale or resale.

'Processor' means any person who contracts for or obtains possession of any farm product from the producer thereof for resale in a processed form, but shall not include hotels, restaurants, or other persons furnishing meals.

'Processed' means to can, preserve, freeze, pickle, dry or otherwise prepare with or without added ingredients.

'Retail merchant' means any person who contracts for or

obtains possession or control of any farm product at a specified unit price from the producer thereof for sale at retail in its natural state to a consumer.

For the purposes of this definition, sales to the United States armed forces, restaurants, hotels, hospitals or institutions are not retail sales.

'Consumer' means any person purchasing farm products for his own family use or consumption. [L. 1949, c. 114, s. 1; am. L. 1951, c. 74, pt. of s. 1.]

[Sec. 1312.02.] Section 2. **Licenses.** No person shall act as a commission merchant, dealer, broker, agent, processor or retail merchant without having obtained a license as provided hereinunder. Every person, before acting as a commission merchant, dealer, broker, agent, processor or retail merchant as herein defined shall file an application with the director for a license to transact the business of commission merchant, dealer, broker, and/or agent, processor or retail merchant and such application shall be accompanied by the license fee herein provided for each specified class or business. Separate applications shall be filed for each class of business.

Such application shall in each case state the class or classes of farm products the applicant proposes to handle, the full name and address of the person or firm applying for such license, and if the applicant be a firm, exchange, association or corporation, the full name of each member of the firm, or the names of the officers of the exchange, association or corporation. Said application shall further state the principal business address of the applicant in the Territory of Hawaii and elsewhere and the name or names of the person or persons authorized to receive and accept service of summons and legal notices of all kinds for the applicant. Such applicant shall further satisfy the director of his or its good character, responsibility and good faith in seeking to carry on the business stated in the application.

In addition to the general requirements applicable to all classes of applications as in this section set forth, the following requirements shall apply to each class of application noted:

(a) Commission merchants: Each application shall include a schedule of commissions and charges for services, and such designated commissions and charges shall not be changed or varied for the license period except by written contract between the parties. In addition, each applicant shall be accompanied by the surety bond required by section 4 of this Act.

(b) Agents: Each application shall include the name and address of each commission merchant, dealer or broker represented or sought to be represented by said agent, the written indorsement or nomination of such commission merchant, dealer or broker, and such additional information as the director may consider proper or necessary. The director shall thereupon issue to such applicant a license entitling the applicant to conduct the business described in the application at the place named in the application for a year from the date thereof, or until the same shall have been revoked for cause; **provided, however, that licenses of agents shall expire upon the date of expiration of the license of the principal for whom the agent acts.** The director may also issue to each agent a card or cards which shall bear the signature of said agent, separate cards being required for each principal. Any agent shall show said card or cards upon the request of any interested person. Any agent who displays a void or expired license card under conviction shall be adjudged guilty of a misdemeanor, punishable as provided in section 11 of this Act.

Fraud or misrepresentation in making any application shall ipso facto work a revocation of any license granted thereunder. All indicia of the possession of a license shall be at all times the property of the Territory of Hawaii and each licensee shall be entitled to the possession thereof only for the duration of said license.

For filing the application herein described, each applicant must pay a fee as follows:

- (a) Commission merchants: Fifty dollars for each year.
- (b) Dealers: Fifteen dollars for each year.
- (c) Brokers: Fifteen dollars for each year.
- (d) Agents: Fifteen dollars for each year.
- (e) Processor: Fifteen dollars for each year.
- (f) Retail merchant: No fee.

Should any commission merchant, dealer, broker or processor refuse, fail, or neglect to apply for the renewal of a pre-existing license within thirty days after the expiration thereof, a penalty of forty per cent shall apply to and be added to the original fee set forth above, and shall be paid by the applicant before the renewal license may be issued.

Any person who has applied for and obtained a license within the classification of commission merchant, in the manner and upon payment of the fee herein set forth, may apply for and secure a license in the other such classifications without payment of further fee, and upon further complying with those parts of this chapter regulating the

licensing of the other particular classification involved. All licenses held by any licensee under the provisions of this section shall automatically expire on the expiration date for the particular license for which the license fee was paid. [L. 1951, c. 74, pt. of s. 1:]

[**Sec. 1312.03.**] Section 3. **Records.** Every produce dealer shall keep a record of each lot, shipment or consignment of farm produce received or taken by him, which shall be in such form and in such detail as may be prescribed by the board. [L. 1951, c. 74, pt. of s. 1.]

[**Sec. 1312.04.**] Section 4. **Bonding of commission merchant.** Before any license is issued to any commission merchant, the applicant shall execute and deliver to the director a surety bond in the sum of three thousand dollars executed by the applicant as principal and by a surety company qualified and authorized to do business in this territory as surety. Said bond shall be conditioned upon compliance with the provisions of this Act and upon the faithful and honest handling of farm products in accordance with the terms of this Act. Said bond shall be to the territory in favor of every producer-consignor of farm products grown within the Territory of Hawaii. Any producer-consignor of farm products grown within the Territory of Hawaii claiming to be injured by the fraud, deceit or wilful negligence of any commission merchant may bring action upon said bond against both principal and surety in any court of competent jurisdiction to recover the damages caused by such fraud, deceit or wilful negligence, or the failure to comply with the provisions of this Act. In case of failure by a commission merchant to pay producer-consignor creditors for farm products received from said consignors to be sold, the director shall proceed forthwith to ascertain the names and addresses of all consignor creditors of such commission merchant, together with the amounts due and owing to them and each of them by such commission merchant, and shall request all such consignor creditors to file a verified statement of their respective claims with the director. Such request shall be addressed to each known consignor creditor at his last known address. If a consignor creditor so addressed fails, refuses or neglects to file in the office of the director his verified claim as requested by the director within ninety days from the date of such request, the director shall thereupon be relieved of further duty or action hereunder on behalf of said consignor creditor.

Upon ascertaining all claims and statements in the manner herein set forth, the director may then make demand upon the bond on behalf of those claimants whose statements have been filed, and shall have the power to settle or compromise said claims with the surety company on the bond, and is empowered in such cases to execute and deliver a release and discharge of the bond involved. Upon the refusal of the surety company to pay demand, the director shall thereupon bring an action on the bond in behalf of said consignor creditors. Upon any action being commenced on said bond, the director may require the filing of a new bond and immediately upon the recovery in any action on such bond such commission merchant shall file a new bond and upon failure to file the same within ten days in either case, such failure shall constitute ground for the suspension or revocation of his license. [L. 1951, c. 74, pt. of s. 1.]

[Sec. 1312.05.] Section 5. **Reports of sales.** Within fifteen days after delivery or taking possession or control of any lot, shipment or consignment of farm produce from any producer, the commission merchant shall make a written report to the producer showing the quantity which has been sold, the selling price or prices thereof and the quantity and condition of any portion remaining unsold. The commission merchant shall also make a complete account of sales within thirty days from the date of delivery or taking possession or control of the farm produce. Making a false or incorrect report shall constitute a misdemeanor under section 12 of this Act. [L. 1951, c. 74, pt. of s. 1.]

[Sec. 1312.06.] Section 6. **Remittances.** Every commission merchant, dealer, broker, agent, processor or retail merchant shall make payment in full to the producer within thirty days from the date of delivery or taking possession or control of any farm produce, lot, shipment or consignment. Payment in full shall mean payment of the price agreed upon by the producer and the commission merchant, dealer, broker, agent, processor or retail merchant, except that, in the case of consignment transactions, the full amount realized from sales, including collections for damage claims, less the agreed commission and other charges, shall be paid. [L. 1951, c. 74, pt. of s. 1.]

[Sec. 1312.07.] Section 7. **Credit for loss or dumping.** No claim or credit in any payment, accounting or settlement shall be made or taken against a producer by any commission merchant, dealer, broker, agent, processor or retail merchant for

any damage to, or loss, dumping, or disposal, of any farm produce unless he has secured and is in possession of a certificate issued by an agent of the board showing that said produce has no commercial value, or a certificate issued by a county or territorial health officer, or other duly authorized officer, stating that the produce has been destroyed or otherwise disposed of as unfit for human consumption. [L. 1951, c. 74, pt. of s. 1.]

[Sec. 1312.08.] Section 8. **Duty of director.** It shall be the duty of the director to administer and enforce the provisions of this Act. [L. 1951, c. 74, pt. of s. 1.]

[Sec. 1312.09.] Section 9. **Complaints and investigations.** The director is authorized to receive verified complaints from any producer against any commission merchant, dealer, broker, agent, processor or retail merchant or any person assuming or attempting to act as such and upon receipt of such verified complaint shall have full authority to make any and all necessary investigation relative to said complaint. In conducting any investigation, the director or his authorized agent may examine any ledgers, books, accounts, memoranda and other documents, farm produce, scales, measures, and any other articles and things used in connection with the business of the person of whom the complaint has been made. [L. 1951, c. 74, pt. of s. 1.]

[Sec. 1312.10.] Section 10. **Revocation or suspension of license.** The director shall have power and authority, after notice and hearing, to revoke or suspend any license issued under this Act for any violation of the provisions of this Act. [L. 1951, c. 74, pt. of s. 1.]

[Sec. 1312.11.] Section 11. **Nuisance may be enjoined, abated.** Violation of this Act is declared a public nuisance and may be enjoined or abated in like manner as other public nuisances. [L. 1951, c. 74, pt. of s. 1.]

[Sec. 1312.12.] Section 12. **Misdemeanor.** Any person who violates any section of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one thousand dollars or by imprisonment not exceeding one year, or by both such fine and imprisonment. [L. 1951, c. 74, pt. of s. 1.]

[Sec. 1312.13.] Section 13. **Remedies and penalties not exclusive.** The penalties and remedies provided in this Act with respect to any violation of the provisions of this Act

shall not be deemed exclusive of each other or of any other civil or criminal rights, remedies or penalties provided or allowed by law with respect to any such violation. [L. 1951, c. 74, pt. of s. 1.]

[Sec. 1312.14.] Section 14. **Disposition of fees and charges.** All fees, charges, expenses and other moneys collected pursuant to the provisions of this Act shall be deposited in the treasury of the territory in the marketing inspection and agricultural control fund and shall be used for the administration and enforcement of this Act and are hereby appropriated for such purpose. [L. 1951, c. 74, pt. of s. 1.]

Section 15. **Separability of provisions.** If any section, sentence, clause or part of this Act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this Act. The legislature hereby declares that it would have passed this Act and each section, sentence, clause and part thereof despite the fact that one or more sections, sentences, clauses or parts thereof be declared unconstitutional."

Section 2. This Act shall take effect July 1, 1951.

(Approved May 17, 1951.) H.B. 293, Act 74.

§§ 1313.01-.06. Inspection of fruits, vegetables and nuts. NEW, L. 1949, Act 117 [A-42].

§ 1313.03. Rules and regulations. AM. Sp. L. 1949, Act 56 [A-12].

§ 1313.06. Disposition of moneys collected. Am. Sp. L. 1949, Act 56 [A-12].

§§ 1314.01-.06. Industrial research advisory council. NEW, L. 1949, Act 122 [A-43].

Series A-37: ACT 217

An Act Relating to the Powers and Functions of the Industrial Research Advisory Council, Amending Act 122 (Series A-43) of the Session Laws of Hawaii 1949, and Making An Appropriation Therefor.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Act 122 (Series A-43) of the Session Laws of Hawaii 1949 is hereby amended in the following particulars:

(a) By amending the first paragraph of Section 1 thereof to read as follows:

[Sec. 1314.01.*] "Section 1. **Industrial research advisory council.** There is hereby established an industrial research advisory council to formulate and carry out a program of industrial research for the benefit of residents and business organizations of the territory. The council shall consist of nine members, who shall be appointed and may be removed by the governor in the manner provided by section 80 of the Organic Act. There shall be at least one member from each county and city and county."

(b) By adding a new paragraph to Section 1 thereof to read as follows:

"The terms 'industry' and 'industrial' as used in this Act shall be defined and interpreted to include 'agriculture' and 'agricultural', respectively."

(c) By adding to Section 3 [Sec. 1314.03.**] thereof new paragraphs to be numbered and to read as follows:

"5. To stimulate the production of by-products of the basic industries of the territory with primary emphasis on products to be used within the territory."

* § 1314.01. The balance of this section reads:

Appointees to the council shall be selected from those members of the community engaged in agricultural or industrial activities or primarily interested in agricultural or industrial research.

Each member shall be appointed for a term of three years, except that any appointment to fill a vacancy shall be made for the remainder of the unexpired term. The members shall serve without pay but shall be entitled to the actual and necessary expenses incurred by them in the discharge of their official duties. [L. 1949, c. 122, s. 1; am. L. 1951, c. 217, pt. of s. 1.]

** § 1314.03, preceding the above amendment reads:

[Sec. 1314.03.] Section 3. **Industrial research program.** The purposes of the industrial research program shall be:

1. To conduct research into the best methods of applying modern scientific developments to the exploitation of the resources of the Territory.

2. To conduct research into the tests with reference to specific problems relating to the development of any industry exploiting the resources of the Territory as may be requested.

3. To advise and inform authorized applicants with respect to the application of modern scientific techniques to the standardization of processed agricultural products, packaged foodstuffs, or other products intended for human consumption, and of flowers, and to conduct investigations and tests in connection therewith.

4. To investigate into and develop methods of overcoming defects in or prohibitions against any products originating, processed or manufactured in the Territory which said defects or prohibitions prevent or impede the export of such products or the fullest development of any industry concerned with such products, whether such products are of organic or inorganic material or both, or classified as animal, mineral or vegetable products, or any combination thereof.

6. To stimulate the production of specialty products for sale in mainland markets, such as Hawaiian sportswear and handicrafts, exotic fruits and fruit products, and specialty agricultural products.

7. To stimulate local sales of products locally produced, manufactured, or assembled.

8. To provide for the widest practicable and appropriate dissemination of the information, results, techniques, programs and advices of the council." [L. 1949, c. 122, s. 3; am. L. 1951, c. 217, pt. of s. 1.]

Section 2. There is hereby appropriated from the general revenues of the territory not otherwise appropriated the sum of \$375,000.00, to be used and expended by the industrial research advisory council for the purposes and subject to the terms of said Act 122 (Series A-43) of the Session Laws of Hawaii 1949, and of this Act, in addition to any other sums heretofore or hereafter appropriated for the same or a similar purpose; **provided**, however, that the council shall not allocate from the amount herein appropriated sums totaling more than the following amounts for the following purposes:

- | | |
|---|--------------|
| (1) For the purposes set forth in clauses (a) and (b) combined of section 4 of said Act 122 | \$200,000.00 |
| (2) For the purposes set forth in clause (c) of section 4 of said Act 122 | \$ 75,000.00 |
| (3) For extension of Hawaiian handicraft surveys and continued support and assistance of the development of Hawaiian handicraft industries | 50,000.00 |
| (4) For expenses of administration, including expenditures for personal services, other current expenses, and equipment, or contracts therefor, necessary to make preliminary investigations to determine the worthiness and feasibility of application for or allocations of grants and to maintain a constant check over the expenditure of funds allocated | 50,000.00 |

Provided, further, that in the event that the entire amounts provided for each item shall not be required for the purposes therein specified, the remainder of such amounts may, with the unanimous approval of the council and the further approval of the governor, be expended for the purposes specified in any other item in addition to the funds therein provided; and

Provided, further, that, before allocating any funds hereby appropriated, the council shall determine that such funds will not be used to duplicate any experiments, researches or studies carried on by any other governmental or private agency or institution.

Section 3. The industrial research advisory council shall have the power to contract for administrative, accounting, clerical, and all other services necessary in the exercise of its functions. Any person temporarily employed by the University of Hawaii and engaged exclusively in research projects allocated to the University of Hawaii and financed by funds appropriated under this Act or said Act 122 shall be exempt from the application of any classification schedule adopted by the Board of Regents of the University of Hawaii.

Section 4. This Act shall take effect on July 1, 1951, but shall not affect the status of the present members of the industrial research advisory council during their current terms of office.

(Approved May 28, 1951.) H.B. 8, Act 217.

§§ 1320.01-.10. *Mixed Foodstuffs.* NEW, L. 1947, Act 84 [A-36].

Series A-38: ACT 56

An Act to Amend Act 84 of the Session Laws of Hawaii 1947 Relating to the Regulation and Registration of Mixed Feeding Stuffs.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 3 [Sec. 1320.03.*] of Act 84 (Ser. A-36) of the Session Laws of Hawaii 1947 is hereby amended by amending the last four sentences of said section to read as follows:

*§ 1320.03, preceding the above amendment, reads:

Sec. 1320.03. Inspectors. The board through the director and his authorized agents and inspectors is authorized to enter and procure a sample from any lot, parcel, or package of mixed feeding stuff which is offered for sale or found in the Territory in bulk, sack or package. The sample so obtained shall be taken in accordance with methods prescribed by the Association of American Feed Control Officials. Such sample shall be divided into two approximately equal parts. Each part shall then be sealed and one part promptly delivered to the person having registered such type or brand of mixed feeding stuff, or if not registered, to the owner thereof, and the other to a chemist designated by the board. A label shall be placed on each sample stating the name or brand of the contents, the name of the person from whose stock the sample was taken and the time and place of taking such sample. Each such label shall be signed by the director or one of his authorized agents and by the owner or custodian or representative thereof of the lot, parcel or package from which the sample is taken. Such signature shall be affixed at the time of the sealing of such sample. If the signature of the owner, custodian or representative cannot be obtained, or is refused, the fact shall be noted on the label by the director or his agent.

"The chemist who makes the analysis shall return to the director three certified copies of his findings. The methods of analysis used shall be prescribed and defined as official by the Association of Official Agricultural Chemists of America. The director shall promptly forward one copy of the findings to the person having registered the type or brand of mixed feeding stuff, and another copy to the person owning the mixed feeding stuff for which the sample was drawn. Such certified findings shall be admissible in the trial of any case or any hearing involving any provision of this Act as presumptive evidence of the facts therein set forth." [L. 1947, c. 84, s. 3; am. L. 1949, c. 135, s. 1; am. L. 1951, c. 50, s. 1.]

Section 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 10, 1951.) S.B. 281, Act 56.

Chapter 21. PLANT LIFE, SEEDS, SOILS.

§§ 1354-63. Re seeds. Rep. L. 1945, Act 90 [A-30].

§§ 1354.01-.10. Labeling, sale of seeds. NEW, L. 1945, Act 90 [A-30].

Chapter 21 A. SOIL CONSERVATION DISTRICTS.

§§ 1371.01-.12. Soil conservation. NEW, L. 1947, Act 191 [A-37].

Chapter 21 B. WEED CONTROL.

§§ 1375.01-.09. Weed Control. NEW, L. 1949, Act 357 [A-45].

Series A-39: ACT 76

An Act Relating to the Sale and Use of 2,4-D and Related Weed Control Substances Having Plant Hormone Characteristics: Adding Thereto a Legislative Declaration; Amending Sections 3 and 5 of Act 357, Session Laws of Hawaii 1949; Adding Thereto a New Section Requiring a Permit to Use Such Substances; and, Adding Thereto a New Section Providing a Procedure of Appeal.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Act 357 [Series A-45.], Session Laws of Hawaii 1949, is hereby amended by adding thereto and including therein between section 1 and section 2 the following new section:

[Sec. 1375.01-A.] "Section 1-A. **Legislative declaration.** The legislature finds that 2,4-D and related weed control substances are extremely valuable to certain portions of the agricultural economy of the territory and though effective as herbicides and non-injurious to certain crops and plants, are highly destructive and injurious to other crops, plants and parts thereof; that the indiscriminate purchase, storage, and use of such substances, as well as the improper disposal of empty containers of the same, has caused and is likely to further cause, widespread damage to property other than that belonging to or being under the control of the possessor or user; that a measure of control is necessary to guard against further damage or destruction and to educate users of 2,4-D and related weed control substances of the dangers of indiscriminate usage.

The provisions of these sections are enacted: (1) to inhibit damage and destruction of plants belonging to others by users of 2,4-D or related weed control substances and (2) to provide a service for users of such substances. The board of commissioners of agriculture and forestry and the director of the division of marketing of said board shall assist users and prospective users in the formulation of plans and otherwise advise on the safe use of such substances." [L. 1951, c. 76, s. 1.]

Section 2. Section 3 [Sec. 1375.03.] of Act 357, Session Laws of Hawaii 1949, is hereby amended by inserting immediately after

the phrase "Pineapple Research Institute;" in the 8th line of said section, the following: "one representative of the beef cattle industry selected by the executive committee of the territorial cattlemen's council;"

Section 3. Section 5 [Sec. 1375.05.] of Act 357, Session Laws of Hawaii 1949, is hereby amended by adding thereto the following subsection:

"(e) Sales of 2,4-D, or related weed control substances shall be restricted to persons who have in their possession permits to use issued by the director. Such sales shall be further restricted to the particular amount and the form and composition of 2,4-D or related weed control substances as may be specified in such permit to use."

Section 4. Act 357, Session Laws of Hawaii 1949, is hereby amended by adding thereto and including therein between section 5 as amended by this Act and section 6 the following new section:

[Sec. 1375.05-A.] "Section 5-A. Permit to use.

(a) Permit required. No person shall use or treat by means of 2,4-D or related weed control substances unless such person has been authorized so to do by permit obtained from the director.

(b) Application for permit. An application in writing for the permit required by paragraph (a) of this section, shall be made to the director on forms made available by him. Such pertinent information as may be deemed necessary by the advisory committee on herbicides with the approval of the board shall be on the application. An application for a permit may be for an entire ranch, farm, plantation or crop area, or a separate portion or portions thereof.

(c) Inspection and issuance of permit. Upon receipt of an application the director after determining that there is no exceptional risk of injury to sensitive economic plants belonging to others, shall forthwith issue the permit required by paragraph (a) of this section. The determination may include such inspection of the area to be treated and of adjacent property as the director deems necessary to enable him to pass upon such application. The permit may specify (1) the quantity, (2) the form or composition of 2,4-D, or related weed control substances, which may be applied, (3) the area to be treated, (4) the manner of treatment, (5) the conditions under which such treatment may

be effected, and (6) the length of time such permit shall be valid. Any permit issued pursuant to this section shall require the permittee to maintain accurate records with respect to his treatment operations. The form of such records and the information required thereon shall be determined by the advisory committee on herbicides with the approval of the board. In the issuance of such permits the director shall be guided by the standards for treatment as promulgated by rules and regulations of the board; **provided**, however, that nothing contained in said rules and regulations shall preclude said director from imposing such further limitations upon use as he deems reasonable for the area to be treated.

(d) Refusal of permit. The director, on his own motion, may refuse to issue a permit for the use of 2,4-D or related weed control substances if after inspection of the area to be treated and of adjacent property, he determines that such use of 2,4-D or related weed control substances in the area to be treated as specified in the application constitutes exceptional risk of injury to sensitive economic plants belonging to others.

(e) Suspension of permit. The director on his own motion may suspend a permit for violation of any conditions of said permit or of any law or regulation pertaining to the use of 2,4-D or related weed control substances but only after inspection of the areas being treated and a determination of the specific violation or violations of conditions of said permit or of any law or regulation pertaining to such use of 2,4-D or related weed control substances.

(f) Revocation of permit. The board after due hearing may revoke a permit for violation of any condition of said permit or of any law or regulation pertaining to the use of 2,4-D or related weed control substances.

(g) Order in writing. Any order made by the director under authority granted under paragraphs (c), (d) or (e) of this section and any order made by the board revoking a permit under authority granted under paragraph (f) of this section shall be in writing and shall set forth the reasons for the partial refusal, suspension or revocation of the permit. Service upon the applicant or permittee shall be made by transmitting a copy of the order by registered mail.

(h) Appeal to the board. Any applicant for a permit or a permittee who shall deem himself to be aggrieved by any order made by the director under authority granted under paragraphs (c), (d) or (e) of this section, may petition the board for hearing on such order.

Any appeal must be by petition in writing by the applicant or permittee and must set forth the reason for such appeal and the reason why in the petitioner's opinion the order of the director is not correct.

Any appeal from any order of the director must be taken within 10 days from the date of receipt of such order, or such order shall be considered final and conclusive. No hearing shall be held within less than 10 days after receipt of petition by the administrative officer of the board, and the hearing shall commence not later than 15 days after receipt by the administrative officer of the board of such petition. Such hearing may be held before a master or masters as provided in Act 329, Session Laws of Hawaii 1949.

The board shall have full power to investigate or to appoint a master or masters to make an investigation to determine the correctness and legality of the order of the director. The board shall keep a record of its proceedings and shall have authority to reverse, vacate or modify the orders of the director and its own orders. [L. 1951, c. 76, pt. of s. 4.]

[Sec. 1375.05-B.] Section 5-B. **Appeal to circuit court.** The circuit court of the circuit in which the application for permit has been refused, or in which a permit has been revoked or suspended, shall have jurisdiction to affirm, vacate or modify any order of said board.

Any applicant whose application or permit has been refused, in whole or in part, or any permittee whose permit has been revoked or suspended by an order of the board, may file an appeal therefrom in the office of the clerk of the circuit court of the first judicial circuit or of the circuit in which the lands or areas affected are located within 30 days from the entry thereof. Such action may be upon the ground that such order is arbitrary or unreasonable or contrary to law and shall be prosecuted against the director and the board of commissioners of agriculture and forestry. The defendant shall be served with summons as in civil actions.

The proceedings shall not operate to suspend the order appealed from unless upon a proper order of the court.

Upon service of summons upon the board, the secretary shall forthwith transmit to the clerk of the court in which the action is pending the record of the proceedings, which record shall include the original papers, reports and exhibits filed with him, and a transcript of all evidence in

the matter complained of. Such record shall be certified by the secretary and filed with the clerk of the court within 15 days after service of summons. Upon the filing of the record said action shall be at issue and upon the application of either party may be advanced and assigned for trial at the earliest possible date.

The court may affirm or reverse such order or determination, and may modify such order or determination by partially affirming and partially reversing the same, but may not otherwise modify the same or enter a new or different order or determination. If the court shall reverse such order or determination it shall render its decision setting forth wherein such order or determination is erroneous, together with such rules of law, and such findings of fact as will enable a proper order or determination to be entered. Within 10 days after the decision of the court has been entered the board shall report to the court a new order or determination consistent with the decision, which shall take effect and be final upon the expiration of 5 days thereafter, unless an objection thereto is filed with the court within such period. In the event of such objection, such order or determination, or such modified order or determination as may thereafter be reported to the court, shall take effect and be final when determined by the court to be consistent with its decision, and the court may require the reporting of modified orders or determinations, as may be necessary.

The court shall prescribe the procedure to be followed in the case of such appeals." [L. 1951, c. 76, pt of s. 4.]

Section 5. Effective date. This Act shall take effect upon approval.

(Approved May 17, 1951.) H.B. 900, Act 76.

Chapter 21 C. WATER DEVELOPMENT.

§§ 1380.01-.07. Water resources, protection of. NEW, L. 1949, Act 274 [A-46].

Title 3: ATTORNEY GENERAL'S DEPARTMENT.

Chapter 22. ATTORNEY GENERAL.

Series A-40: ACT 163

An Act to Amend Chapter 22 of the Revised Laws of Hawaii 1945, by Adding Thereto a New Section Relating to the Powers of the Attorney General.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 22 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto a new section to be numbered and to read as follows:

"Sec. 1511. Investigators, appointment and powers. The attorney general shall appoint and commission one or more investigators as the exigencies of the public service may require and may exact from them sufficient surety bond conditioned for the faithful performance of their official duties. Persons appointed and commissioned under the provisions of this section shall have and may exercise all of the powers and authority of a police officer or of a deputy high sheriff." [L. 1951, c. 163, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 26, 1951.) H.B. 239, Act 163.

Chapter 23. HIGH SHERIFF, ETC.

§ 1522.01. Salary of high sheriff. NEW, L. 1949, Act 296 [A-47].

Chapter 23.01. BUREAU OF CIVIL IDENTIFICATION.

§§ 1540-1540.18. Identification Bureau. NEW, L. 1947, Act 246 [A-38].

Chapter 23.02. BUREAU OF CRIME STATISTICS.

§§ 1541-1541.04. Crime statistics. NEW, L. 1947, Act 246 [A-38].

Title 4: AUDIT AND BUDGET.

Chapter 24. AUDIT DEPARTMENT; DUTIES.

Series A-41: ACT 224

An Act Relating to Disputed Territorial Claims, Including Disputed Taxes and Other Moneys Representing Claims in Favor of the Territory, Amending Sections 1575, 5219, 5535, and 10482 of the Revised Laws of Hawaii 1945.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 1575 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 1575. Payment to territory under protest. Moneys representing a claim in favor of the territory may be paid to a public accountant of the territory under protest in writing signed by the person making such payment, or by his agent, setting forth the grounds of such protest, in which event the public accountant to whom such payment is made shall hold the money so paid for a period of thirty days from the date of payment.

Action to recover the money so paid, or proceedings to adjust the claim may be commenced by the payer or claimant against the public accountant to whom the payment was made, in a court of competent jurisdiction, within such period of thirty days, and in default of bringing such suit or proceedings within such period, the money so paid shall be by such accountant deposited in the treasury of the territory, and the same shall thereupon become a government realization.

If action to recover the money so paid under protest, or proceedings to adjust the claim, shall be commenced within thirty days after payment of the money under protest, the amount so paid shall be transmitted by the public accountant to the treasurer of the territory, together with subsequent payments, if any, when and as made with respect to the same claim, if made under a protest referring to the original protest for the grounds thereof, but if such subsequent payments are made under protest in any other manner the same shall be held by the public accountant and treated as if no previous protest had been made. The treasurer shall pay all moneys so transmitted by the public accountant into a fund to be known as the 'litigated claims fund' pending the

final decision of the cause, which may, if the court be satisfied that subsequent payments were made with respect to the same claim and under the same protest, in the manner above set forth, include the disposition of such subsequent payments. If the final decision of the cause shall be in favor of the claimant, the treasurer of the territory shall pay to him out of said fund, or if investment of said fund should result in a deficit therein, out of the general fund of the territory, such amount as shall have been adjudged to be due to him in such cause, together with interest at the rate of two per centum per annum from the date of each payment into the litigated claims fund, such interest to be paid from the general fund of the territory. The amount so to be paid shall be ascertained by the treasurer from a certified copy of the judgment of the court in which the cause was finally determined, which shall be his authority and warrant for such payment." [L. 1907, c. 45, s. 1; R. L. 1925, s. 1444; R. L. 1935, s. 571; R. L. 1945, s. 1575; am. L. 1951, c. 224, s. 1.]

Section 2. Section 5219 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 5219. Taxes paid pending appeal. The tax paid upon the amount of any assessment, actually in dispute and in excess of that admitted by the taxpayer, and covered by an appeal to the tax appeal court duly taken, shall, pending the final determination of such appeal, be paid by the treasurer into the 'litigated claims fund'. If the final determination is in whole or in part in favor of the appealing taxpayer, the treasurer shall repay to him out of said fund, or if investment of said fund should result in a deficit therein, out of the general fund of the territory, the amount of the tax paid upon the valuation held by the court to have been excessive or non-taxable, together with interest at the rate of two per centum per annum from the date of each payment into the litigated claims fund, such interest to be paid from the general fund of the territory. The balance, if any, of the payment made by the appealing taxpayer, or the whole of the payment, in case the decision is wholly in favor of the assessor, shall, upon the final determination, become a realization under the tax law concerned.

In a case of an appeal to a board of review, the tax paid upon the amount of the assessment actually in dispute and in excess of that admitted by the taxpayer, shall during the pendency of such appeal and until and unless an appeal is taken to the tax appeal court, be held by the treasurer in a special deposit, and in the event of final determination of the appeal in the board of review, the treasurer shall repay to

the appealing taxpayer out of such deposit the amount of the tax paid upon the valuation held by the board to have been excessive or non-taxable, if any, the balance, if any, or the whole of the deposit, in case the decision is wholly in favor of the assessor, to become a realization under the tax law concerned." [L. 1932, 2d, c. 40, pt. of s. 64; R. L. 1935, pt. of s. 1958; R. L. 1945, s. 5219; am. L. 1951, c. 224, s. 2.]

Section 3. **Section 5535** of the Revised Laws of Hawaii 1945, as amended by Act 92 of the Session Laws of Hawaii 1945, is hereby amended by deleting from the end of said section, commencing in the twenty-eighth line on page 180 of the Session Laws of Hawaii 1945, the words "shall be held in a special deposit and distributed as provided in section 5219, for which purpose the word 'valuation' shall be deemed to refer to the amount of income.", and by inserting in lieu thereof the following:

"shall be held in a special deposit or paid into the 'litigated claims fund' as provided in section 5219, which shall apply to said appeal, for which purpose the word 'valuation' shall be deemed to refer to the amount of income."

Section 4. **Section 10482** of the Revised Laws of Hawaii 1945 is hereby amended by changing the period at the end thereof to a comma and adding the following:

"or upon a refund of a payment into the 'litigated claims fund' as provided by law."

Section 5. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945, but shall not be deemed to apply to any disputed tax or other claim theretofore paid into the hands of the treasurer and constituting a special deposit, and all such special deposits shall be held and distributed as provided by the laws in effect prior to the amendments made by this Act.

(Approved May 28, 1951.) H.B. 728, Act 224.

§ 1581.01. Auditors to make certain deductions, when. NEW, L. 1949, Act 275 [A-48].

§§ 1603.01-.02. Destruction of warrants. NEW, L. 1947, Act 147 [A-39]. See L. 1949, Act 256 [B-177].

Chapter 25. BUDGET BUREAU.

§ 1626. Claims for legislative relief must be filed with; conditions. AM. L. 1949, Act 324 [A-49].

§ 1628. Bond requirements. See L. 1945, Act 8 [E-220].

Chapter 26. INVENTORY, ETC.

§§ 1651, 1652. By territorial and county officers. Am. L. 1945, Act 151 [A-31], rewritten pp. 51-53.

Series A-42: ACT 20

An Act Amending Section 1653 of the Revised Laws of Hawaii 1945, Relating to the Maintenance of Inventory of Government Assets by County Officers.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 1653* of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(a) By deleting in line 4 of said section, the words "in the month of January", and inserting in lieu thereof the words "on or before August 15".

(b) By deleting in line 8 of said section the word "January", and inserting in lieu thereof the word "July".

* § 1653, as so amended reads:

Sec. 1653. By county officers to supervisors. It shall be the duty of every officer, head of department, agent, employee and other person in the employ of the county, having in his custody or under his control or in anywise using property belonging to the county, on or before August 15 of each year to prepare and file with the board of supervisors of the county a return or inventory, sworn to before a person authorized by law to administer oaths, containing a full, true and complete list of detailed items of all property of whatsoever nature (as of July 1 of each year for which such return or inventory is made) belonging to the county, and in the possession, custody, control or use of such officer, head of department, agent, employee or other person so making the return or inventory, or the offices or departments over which he presides, and containing further opposite each item a statement of the full cash value of the property therein named according to the best knowledge, information and belief of the officer, head of department, agent, employee or person making such return or inventory. [L. 1929, c. 137, s. 1; R. L. 1935, s. 622; R. L. 1945, s. 1653; am. L. 1951, c. 20, s. 1.]

Section 2. This Act shall take effect July 1, 1951.

(Approved May 3, 1951.) H.B. 160, Act 20.

§ 1654. Court inventories, etc. Am. L. 1945, Act 151 [A-31].

§§ 1655, 1657. Duties of auditors. AM. L. 1945, Act 151 [A-31].

Title 5: EDUCATION.

Chapter 27. DEPARTMENT OF EDUCATION.

§ 1721. Dental hygiene. AM. L. 1945, Act 231 [A-32].

§§ 1726.01-.05. Adult education. NEW, L. 1945, Act 108 [A-33].

Chapter 28. PERSONNEL OF PUBLIC AND
PRIVATE SCHOOLS.

§ 1744. Teachers; dismissal; trial. Am. L. 1949, Act 68 [A-50], rewritten p. 95.

§ 1746. Teachers; qualifications; certificates. Am. L. 1949, Act 68 [A-50], rewritten p. 95.

Series A-43: ACT 5

An Act to Amend Sections 1751 and 1752 of
the Revised Laws of Hawaii 1945, Relating to Sab-
batical Leaves for Public School Teachers.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 1751 of the Revised Laws of Hawaii 1945 is hereby amended by deleting the word "eight" appearing in line three thereof and substituting therefor the word "seven."

Section 2. Section 1752* of the Revised Laws of Hawaii 1945 is hereby amended by deleting the word "eight" appearing in line nine thereof and substituting therefor the word "seven."

Section 3. This Act shall take effect upon its approval.

(Approved April 25, 1951.) S.B. 227, Act 5.

Series A-44: ACT 4

An Act to Amend Section 1752 of the Revised Laws of Hawaii 1945 Relating to Leaves of Absence for Teachers.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 1752* of the Revised Laws of Hawaii 1945 is hereby amended by striking from lines six and seven thereof the words "at the opening of the next school year," and in lieu thereof inserting the following: "within thirty days after the opening of the next school year. This period may be extended by the superintendent of public instruction in cases where, in his opinion, there are good and sufficient reasons for so doing."

Section 2. This Act shall take effect upon its approval.

(Approved April 12, 1951.) H.B. 304, Act 4.

* § 1752, as amended by L. 1951, Act 5 [A-43] and Act 4 [A-44] reads:

Sec. 1752. Pay while absent. The said department is further authorized and directed to pay to the teacher granted such leave of absence the difference between the minimum salary provided for the position vacated and the salary to which such teacher would be entitled if regularly re-appointed, such payment to be made in twelve monthly installments, the last two of which shall not be made until after the teacher has returned to his or her position within thirty days after the opening of the next school year. This period may be extended by the superintendent of public instruction in cases where, in his opinion, there are good and sufficient reasons for so doing; provided that the teacher granted such leave shall not engage in any form of employment; and provided, further, that such leave shall not be extended beyond one year and may not be repeated until after a period of seven additional years of service. [L. 1935, c. 75, s. 2; R. L. 1945, s. 1752; am. L. 1951, c. 4, s. 1 and c. 5, s. 2.]

§ 1755. Department control; minimum. AM. L. 1951, Act 325 [A-45].

§ 1755.01. Cafeteria managers. NEW, L. 1951, Act 267 [A-46].

Series A-45: ACT 325

An Act Relating to the Salaries of Teachers, Principals and Other Officers and Employees of the Department of Public Instruction, Repealing Sections 1764, as Amended, 1765 and 1766, and Amending Sections 1755, 1758, 1759, as Amended, 1760, as Amended, 1761, 1762 and 1763 of the Revised Laws of Hawaii 1945, and Act 263, as Amended, of the Session Laws of Hawaii 1945, and Making an Appropriation.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 2 [Sec. 1758.01.] of Act 263 (Series A-4) of the Session Laws of Hawaii 1945, and sections 1764, 1765, and 1766 of the Revised Laws of Hawaii 1945, are hereby repealed.

Section 2. Sections 1758, 1759, 1760, 1761, 1762 and 1763 of the Revised Laws of Hawaii 1945, as amended, are hereby further amended to read as follows:

"Sec. 1758. Definitions; classification. (a) As used in this subtitle, unless the context otherwise indicates, the following terms shall have the following respective meanings:

'Department': the department of public instruction;

'Commissioners': the commissioners of public instruction;

'Incumbent teachers': teachers in the service of the department on June 30, 1951, and teachers on authorized leave on said date who return to the service of the department thereafter before the expiration of such leave or any authorized extension thereof;

'New appointees': any teachers and other employees in the department, included in the schedule in section 1759, who are employed in the service of the department on and after July 1, 1951, and who were not in such service on said date.

(b) Classification of teachers in section 1759 shall be as follows:

Any teacher who holds a certificate based on less than four years of collegiate education, is eligible for classification in Class I. Any teacher who holds a certificate based on four acceptable years of collegiate education, is eligible for Class II. Any teacher who holds a certificate based on five acceptable years of collegiate education, including one year of graduate study, is eligible for Class III. [Sp. L. 1941, c. 83, pt. of s. 1; R. L. 1945, s. 1758; am. L. 1951, pt. of s. 2.]

Sec. 1759. Salary schedule. A salary schedule is hereby established, effective on and after July 1, 1951, which shall apply to all new and to all incumbent teachers, principals, vice principals and substitute teachers in the department. Said schedule shall contain the respective classes, with the respective monthly salary ratings for each class based upon years of experience or other qualifications, and be otherwise subject to the regulations set forth in this and the following section, and shall be as follows:

1. Teachers:

Years of Experience	CLASS I Non-Collegiate Certificate Monthly Sal.	CLASS II Collegiate Certificate Monthly Sal.	CLASS III Professional Certificate Monthly Sal.
0	\$195	\$200	\$225
1	200	205	230
2	205	210	235
3	210	215	240
4	215	225	245
5	220	235	255
6	225	245	265
7	230	255	275
8	235	265	285
9	240	275	295
10	245	285	305
11	255	295	315
12	265	305	325
13	275	315	335
14	285	325	345
15	295	335	355
16	305		
17	315		

2. Principals shall be paid what they would earn as teachers, plus the following monthly salary differentials:

Number of teachers under principal's supervision (figures being inclusive)	Differential
1-5	\$ 60
6-10	80
11-15	105
16-25	120
26-35	130
36-45	140
46-55	150
56-65	160
66-75	170
76-85	180
86-95	190
96-105	200
106-115	210
116-125 or more	220

3. Vice principals authorized by resolution of the commissioners shall be paid the above salary classification for teachers plus one-half of the principals' monthly salary differential.

4. Substitute teachers shall be paid per day as follows:

CLASS I	CLASS II	CLASS III
Non-Collegiate	Collegiate	Professional
Certificate	Certificate	Certificate
\$8	\$9	\$10

[L. 1951, c. 325, pt. of s. 2.]

Sec. 1760. Change in classification. Any teacher classified in Class I or II of section 1759, who qualifies for a class requiring more professional preparation, shall be transferred to the higher class as of the beginning of the next school year and shall receive the salary of that higher class which would have been received had such teacher been in the higher class originally. [Sp. L. 1941, c. 83, pt. of s. 1; R. L. 1945, s. 1761; am. L. 1951, c. 325, pt. of s. 2.]

[§ 1760.01. Terminology. NEW, L. 1949, Act 339 [A-51].]

Sec. 1761. Vocational and special teachers. Vocational teachers and other teachers with special assignments qualifying for the new schedule shall be rated the same as regular teachers, provided that in cases where hours of service

are longer, or the yearly period of service is longer than the regular teaching year, or the responsibilities are greater, the rate may be increased proportionately by the department, and provided further, that, in determining the classification and rating of such teachers, the department, in its discretion, may allow credit for practical experience. [Sp. L. 1941, c. 83, pt. of s. 1; R. L. 1945, s. 1762; am. L. 1951, c. 325, pt. of s. 2.]

Sec. 1762. Classification of other officers and employees. The commissioners shall set up job and salary classifications for, and classify, all professional officers and employees in the department, including deputy superintendents of public instruction, district superintendents, vocational supervisors, and other professional officers and employees in the department, who are not covered by the schedule in section 1759. Such officers and employees shall not be subject to classification under chapter 3 or by the personnel classification board of the territory or any county; but the personnel classification board of the territory shall, upon request of the commissioners, render such assistance to the commissioners as may be practicable in connection with the classification of such officers and employees. In such classification, annual salary increases may be provided for, insofar as is practicable, for efficient service. The commissioners shall adopt fair and reasonable procedures and rules for the rating of the efficiency of such officers and employees. [L. 1951, c. 325, pt. of s. 2.]

Sec. 1763. Increase in salary ratings. Any teacher employed after June 30, 1951 who is entitled to prior service credit shall be placed in a salary bracket of said schedule which is the same as that to which said teacher would have been entitled prior to said date." [L. 1951, c. 325, pt. of s. 2.]

Section 3. Section 1755 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 1755. Department control; minimum. The salaries of the various teachers, servants and officers not especially provided by law, shall be such as may be from time to time allowed by the department under the provisions of section 1762; **provided,** however, that the minimum pay for any person teaching in the public schools shall be at a rate of not less than forty dollars a month." [L. 1896, c. 57, s. 18; am. imp. L. 1917, c. 89, s. 1; R. L. 1945, s. 1755; am. L. 1951, c. 325, s. 3.]

Section 4. In determining initially the salary to be paid officers and employees occupying positions covered by the salary schedules prescribed herein, the following rules shall govern:

(1) The compensation received by each officer and employee as of June 30, 1951, shall be used as the base for making adjustments provided herein. Adjustment of salary of any teacher promoted or employed after June 30, 1951, shall be on the basis of the salary schedule prescribed in this Act.

(2) If the officer or employee was receiving compensation less than the minimum rate for the position which he occupies, the salary shall be increased to the minimum rate.

(3) If the officer or employee was receiving compensation within the range of salary prescribed for the position which he occupies at one of the rates fixed therein, the salary shall be the same as such compensation.

(4) If the officer or employee was receiving compensation within the range of salary prescribed for the position which he occupies but not at one of the rates fixed therein, the salary shall be increased to the next higher rate.

(5) If the officer or employee was receiving compensation in excess of the range of salary prescribed for the position which he occupies, he shall continue to receive a salary equal to such compensation so long as he continues to serve in the position with substantially the same duties and responsibilities; **provided**, however, that notwithstanding the provisions of this section the salary of no incumbent shall be reduced below the compensation being paid him on the effective date of this Act so long as he continues to hold the same position.

(6) Incumbent teachers and others affected by this Act, who were in service on June 30, 1951, shall, after the adjustments of salary have been made in accordance with this Act, thereafter have their salaries increased by one increment on the next succeeding date set by the department of public instruction for increases in salary, if otherwise entitled thereto, and so on up to but not exceeding the maximum rate.

Provided, however, that where the compensation for an incumbent teacher or other individual in service on June 30, 1951 as fixed pursuant to this section 4 exceeds the salary to which he would be entitled under the terms of the appropriate classification schedule, the salary of such teacher or other individual shall continue under the classification schedule as it stood before this amendment until such time as his salary equals the salary which he would receive under the new classification schedule, when he shall transfer to such new schedule.

Section 5. The base pay increases and bonuses granted by the Public Salary and Bonus Laws of 1945 (Series A-4: Act 263) and of 1947 (Series A-4: Act 208) or by any other law enacted by the Twenty-sixth Legislature shall not be applicable or payable to any of the officers and employees whose salaries are

fixed by this Act, but any appropriation or portion of appropriation for such bonus, which, had this Act not been enacted, would be payable to the employees whose salaries are provided for in this Act, shall be deemed appropriated for the salaries provided by this Act, in addition to any other appropriation for such purpose.

Section 6. "Compensation" as used in this Act includes both salary and bonus.

Section 7. There is hereby appropriated from the general revenues of the territory, the sum of \$550,000.00, or so much thereof as may be necessary, which shall be in addition to any other appropriation, for the purposes of this Act.

Section 8. This Act shall take effect on and after July 1, 1951.

(Approved June 18, 1951.) H.B. 547, Act 325.

Series A-46: ACT 267

An Act Amending Chapter 28 of the Revised Laws of Hawaii 1945 by Adding a New Section Thereto Numbered Section 1755.01, Requiring the Employment of Cafeteria Managers in the Department of Public Instruction to be Under Chapter 2 of the Revised Laws of Hawaii 1945, and on a Twelve-Month Basis for Each Year and Prorating Their Present Salaries, Which Are Based on the Provisions of Chapter 3 of the Revised Laws of Hawaii 1945, and Any Bonus, Into Twelve Equal Monthly Installments.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 28 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by the insertion therein of the following new section:

"Sec. 1755.01. Cafeteria managers. All cafeteria managers employed in the department of public instruction shall be employed under the provisions of chapter 2 of the Revised Laws of Hawaii 1945, as amended, and shall have their salaries fixed in accordance with chapter 3 of the Revised Laws of Hawaii 1945, as amended, but to be prorated over a twelve-month period based upon their actual months of service." [L. 1951, c. 267, s. 1.]

Section 2. Any bonus payments to cafeteria managers employed in the department of public instruction under the provisions of chapter 2, as amended, of the Revised Laws of Hawaii 1945, shall be prorated over a twelve-month period, the total amount being based upon the actual months of service.

Section 3. This Act shall take effect on and after July 1, 1951.

(Approved June 7, 1951.) H.B. 186, Act 267.

Chapter 30. SCHOOLS * * * ATTENDANCE.

§ 1823. Pre-school children. AM. L. 1949, Act 48 [A-52].

§ 1824. Public schools; special fees. Am. L. 1949, Act 227 [A-53], rewritten pp. 97-98.

§ 1827. Private schools, etc. Am. L. 1945, Act 227 [A-35], rewritten pp. 57-58.

§ 1832. Enforcement of attendance. AM. L. 1945, Act 156 [A-36].

§ 1833. Rep. L. 1945, Act 156 [A-36].

§ 1835. Religious education. Am. L. 1945, Act 21 [A-37], rewritten p. 59.

§§ 1860.01-.06. Instruction, etc., exceptional child. NEW, L. 1949, Act 29 [A-54].

Chapter 31. SCHOOLS FOR FOREIGN LANGUAGES.

§§ 1871-1875. Foreign language. AM. L. 1949, Act 72 [A-55].

Chapter 32. TECHNICAL AND VOCATIONAL TRAINING.

§ 1892.01. Advisory board. NEW, L. 1945, Act 219 [A-38].

Series A-47: ACT 41

An Act Amending Chapter 32 of the Revised Laws of Hawaii 1945 by Adding a New Section 1892.02 Relating to Vocational Agriculture and Farm Shop Training at Lahainaluna High School.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 32 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto a new section 1892.02, to read as follows:

"Sec. 1892.02. Establishing thirteenth and fourteenth years at Lahainaluna High School. The territorial board for vocational education is authorized and directed within the limits of available funds to extend to the thirteenth and fourteenth years vocational agriculture and farm shop training programs at the Lahainaluna High School which program shall operate under the provisions of the Smith-Hughes Act and the George-Barden Act and the territorial plan for vocational agriculture." [L. 1951, c. 41, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 4, 1951.) H.B. 315, Act 41.

§ 1893. Expenditures. AM. L. 1945, Act 219 [A-38].

Chapter 32.01. VOCATIONAL REHABILITATION OF DISABLED PERSONS.

§§ 1894 to 1898. Rep. L. 1949, Act 219 [A-56].

§§ 1894-1898. Vocational training of disabled. NEW, L. 1949, Act 219 [A-56].

§§ 1898.01-.08. Rehabilitation of disabled persons. NEW, L. 1949, Act 219 [A-56].

Chapter 33. TERRITORIAL AND COUNTY LIBRARIES.

COUNTY PUBLIC LIBRARIES.

Series A-48: ACT 190

An Act to Amend Chapter 33, Revised Laws of Hawaii 1945, Relating to County Public Libraries.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Sections 1915 to 1927, inclusive, Revised Laws of Hawaii 1945, are hereby amended to read as follows:

"Sec. 1915. Hawaii county libraries, names of. The public library operated and maintained in Kohala, North Kohala, county of Hawaii, formerly under the name of Kohala Public Library shall be designated and known as the 'Bond Memorial Library'; the remaining public libraries in said county shall be designated and known as the 'Hawaii County Library'.

Whenever the term the 'Hawaii County Library' is used in this chapter, and in Acts appropriating moneys for the support and maintenance of said library, it shall, unless expressly limited, include the Bond Memorial Library. [L. 1921, c. 63, s. 1; R. L. 1925, s. 421; R. L. 1935, s. 804; R. L. 1945, s. 1915; am. L. 1951, c. 190, pt. of s. 1.]

Sec. 1916. [Managing board; appointment, powers, duties.] The Hawaii County Library shall be governed by a managing board of nine members, one of whom shall be selected by them as chairman. They shall be residents of the county of Hawaii and shall be appointed by the governor as provided in section 80 of the Hawaiian Organic Act, **provided** that if the Hilo Library and Reading Room Association shall enter into an agreement with the Library of Hawaii whereby the Hilo Library and Reading Room Association agrees to devote its books, property and income to the use and benefit of the Hawaii County Library, the said association shall have the right to nominate the members of the managing board of the Hawaii County Library to be appointed by the governor. Persons so nominated may be officers or members of the Hilo Library and Reading Room Association.

Members of the managing board shall be appointed for terms of four years and until their successors are appointed and qualified. They shall serve without pay and a majority of the board shall consist of a quorum for the transaction of all business. The board shall have and assume the same powers and duties as a managing board appointed pursuant to section 1921. [L. 1941, c. 48, ss. 1, 2; R. L. 1945, s. 1916; am. L. 1951, c. 190, pt. of s. 1.]

Sec. 1917. Kauai County Library, libraries included under designation of. All public libraries in the county of Kauai for which money of the Territory shall have been or shall be appropriated and used, or made available for use, shall be deemed included under the designation of and, for so long as money for its support, maintenance, or operations, be thus provided and it functions as a public library, each shall be an integral part of the Kauai County Library and that designation shall apply to all such collectively. So long as the existing contract between the Kauai Public Library Association (an eleemosynary corporation), and the board of supervisors of the county of Kauai shall continue, or a new one between said parties shall be entered into as in the next section provided, and be in effect, the designation 'Kauai County Library' whenever and wherever used in this chapter

or in any Act or Acts, appropriating money for such aforesaid library shall be deemed to and shall, whether or not named therein, include the 'Albert S. Wilcox Memorial Library', at Lihue, Kauai, and appropriations to said Kauai Public Library Association shall be deemed for the said 'Kauai County Library'. [L. 1921, c. 63, s. 2; R. L. 1925, s. 422; am. L. 1931, c. 249, s. 1; R. L. 1935, s. 805; R. L. 1945, s. 1917; am. L. 1951, c. 190, pt. of s. 1.]

Sec. 1918. Kauai County Library, management. A contract may be entered into by and between the board of supervisors of the county of Kauai and the Kauai Public Library Association to and which shall provide that, for so long as such contract is in effect: (a) said Kauai Public Library Association hereinafter called the 'Association', shall have full powers and responsibilities of management of the Kauai County Library; (b) the library building, furniture, furnishings, fixtures, equipment and library books of the Albert S. Wilcox Memorial Library, situated in Lihue and of which said association is the owner, shall, without charge for rent for said property, be used for the purposes of, and said memorial library shall function as, a county free library and be included as an integral part of the Kauai County Library; and (c) the board of trustees of the said association shall assume and have the powers and duties of and be the managing board of said Kauai County Library, the powers and duties to include, without limitation of generality, supervision and control of such Kauai County Library; the expenditure of any money acquired by it, through appropriations or otherwise, for the development, use, support and maintenance of the library; the appointment of a head or chief librarian and such other librarians and other personnel as may be employed in operating the library; and, subject to law, make general rules and regulations for the government of the library, branches and stations thereof.

The board of supervisors may agree to pay annually into the library fund such sums as may be agreed upon. Either party to the contract may terminate the same upon six months' notice.

In the event that no such contract is entered into or if it is terminated, the board of supervisors of the county of Kauai shall have the power to establish and maintain a county free library in the manner and with the functions prescribed in sections 1919 and 1920, which same shall become and then be deemed to be the 'Kauai County Library'.

Upon the execution and during the existence of any such contract as aforesaid, and, likewise, during the continuance

and until termination of the existing agreement and contract entered into between the Kauai Public Library Association and the board of supervisors of the county of Kauai, which contract bears date of the 1st day of February, 1922, pursuant to which said association has since operated its library as a public county free library and has biennially had the expenditure of territorial funds appropriated to it therefor, all employees of the Kauai Public Library Association whose compensation has been, or shall be paid from territorial funds, to-wit, from territorial funds by Act, or Acts, appropriated to or for said association, and not from funds of the association acquired from private sources, shall, for all purposes, be deemed to have been and, while employed and paid accordingly, to be territorial employees subject to the provisions of this chapter and of chapters 2 and 3, Revised Laws of Hawaii 1945, and, if, when and so long as they are regular and permanent employees, to the provisions of chapter 15, Revised Laws of Hawaii 1945, and all other laws applicable to public employees. [L. 1921, c. 63, s. 3; R. L. 1925, s. 423; am. imp. L. 1929, c. 103, s. 1; R. L. 1935, s. 806; R. L. 1945, s. 1918; am. L. 1951, c. 190, pt. of s. 1.]

Sec. 1919. Establishment of county free libraries. The board of supervisors of the county of Maui shall have the power to establish and maintain county free libraries in the manner and with the functions hereinafter prescribed. [L. 1921, c. 63, s. 4; R. L. 1925, s. 424; R. L. 1935, s. 807; R. L. 1945, s. 1919; am. L. 1951, c. 190, pt. of s. 1.]

Sec. 1920. Managing board has supervision of; powers; reports. Following the establishment of a county free library the board of supervisors of the county of Maui shall appoint a managing board for such library, consisting of five in number. The managing board shall be appointed for periods of two years, and shall serve without compensation. The managing board shall have general supervision and control of the county free library; may expend any money acquired by it, through appropriations or otherwise, for the development, use, support and maintenance of the library; and, subject to law, may make general rules and regulations for the government thereof. The managing board shall appoint the county librarian as well as such others as may be employed in operating the library, and shall from time to time establish library branches and stations.

The managing board shall submit to the board of supervisors and to the board of trustees of the Library of Hawaii, annual reports concerning the library and its require-

ments, which reports shall be incorporated in the annual report of the trustees of the Library of Hawaii and annually transmitted to the governor. [L. 1921, c. 63, s. 5; R. L. 1925, s. 425; R. L. 1935, s. 808; R. L. 1945, s. 1920; am. L. 1951, c. 190, pt. of s. 1.]

Sec. 1921. Librarians of; qualifications. The board of trustees of the Library of Hawaii shall pass upon the qualifications of all persons desiring to become county librarians, and issue necessary certificates of qualifications; and to this end may adopt rules and regulations not inconsistent with law for carrying out the purpose of this section. No person shall be eligible to the office of county librarian who has not received from the board of trustees of the Library of Hawaii a certificate of qualification. Such librarian need not be a resident of the county at the time of appointment; and persons of either sex shall be eligible for certification for the office of county librarian. [L. 1921, c. 63, s. 6; R. L. 1925, s. 426; R. L. 1935, s. 809; R. L. 1945, s. 1921; am. L. 1951, c. 190, pt. of s. 1.]

Sec. 1922. Duties of county librarians. Prior to entering upon the duties of his office, the county librarian shall file with the managing board the usual oath of office, and give a bond, with proper surety, in such sum as may be determined by the managing board, for the faithful performance of the duties of his office. Subject to such rules and regulations as may be adopted by the managing board, the county librarian shall build up, and manage, according to accepted principles of library management, a library for the use of the people of the county; and shall recommend to the managing board what books and other library equipment should be purchased. [L. 1921, c. 63, s. 7; R. L. 1925, s. 427; R. L. 1935, s. 810; R. L. 1945, s. 1922; am. L. 1951, c. 190, pt. of s. 1.]

Sec. 1923. Conventions of county librarians. The board of trustees of the Library of Hawaii annually shall call a convention of county librarians, to assemble at such time and place as the trustees may determine, with a view to discussing questions pertaining to the supervision and administration of county free libraries, the laws relating thereto, and such other subjects affecting the welfare and interest of county free libraries as shall properly be brought before the convention. It is made the duty of county librarians to attend and take part in the proceedings of the conventions. [L. 1921, c. 63, s. 9; R. L. 1925, s. 428; R. L.

1935, s. 811; R. L. 1945, s. 1923; am. L. 1951, c. 190, pt. of s. 1.]

Sec. 1924. Reports by county librarians. The county librarian shall make annual reports to the managing board as to the condition of the county free library, giving such statistical and other information as may be called for by the board, making such reports at such times as the board shall direct. [L. 1937, c. 42, pt. of s. 1; R. L. 1945, s. 1924; am. L. 1951, c. 190, pt. of s. 1.]

Sec. 1925. Assistance by Library of Hawaii. The Library of Hawaii is directed and empowered to assist all county free libraries and free public libraries by the interchange and loaning of books and other reading matter, and in all other appropriate ways to the fullest extent possible. [L. 1937, c. 42, pt. of s. 1; R. L. 1945, s. 1925; am. L. 1951, c. 190, pt. of s. 1.]

Sec. 1926. Exchange of librarians, conditions. The trustees of the Library of Hawaii and the managing boards of the various county libraries are authorized to contract on behalf of their respective libraries for the exchange of librarians with librarians of any state, country or territory. Local librarians so exchanged shall be paid their regular salaries out of the funds appropriated for personal services in the library budget for the library concerned; **provided**, however, that the qualifications of all librarians from any such state, country or territory so exchanged shall be equal to those of the local librarians exchanged. In the selection of local librarians for exchange, preference shall be given to persons born in the Territory, and the requirements of citizenship shall not apply to any librarian coming to the Territory from any foreign state, country or territory under any such contract of exchange. All librarians so exchanged shall furnish their own transportation to and from the state, country or territory with which exchanged.

No compensation shall be paid by the Territory to visiting exchange librarians; **provided** that in any case where the local exchanged librarian becomes incapacitated or, for any reason, leaves the exchanged position permanently, the library concerned may pay the visiting exchange librarian an amount not to exceed the salary rating of the local exchanged librarian, such an arrangement to continue until the end of the period of exchange or until such time as some satisfactory adjustment has been made. [L. 1951, c. 190, pt. of s. 1.]

Sec. 1927. Leaves of absence; substitute librarians. The public libraries of the Territory are hereby authorized to grant a year's leave of absence to any trained librarian who has served eight years in the said libraries of Hawaii, such librarian to be guaranteed a return to his or her position at the expiration of the leave. In granting such leave, librarians with the longest period of service shall be given first consideration. The resultant vacancy shall be filled by the appointment of a substitute for a period of no more than one year, such substitute to be paid the minimum salary provided for that position on the official salary schedule for such library.

The said libraries shall pay to the librarian granted such leave of absence the difference between the minimum salary provided for the position vacated and the salary to which such librarian would be entitled if regularly reappointed, such payment to be made in twelve monthly installments, the last two of which shall not be made until after the librarian has returned to his or her position; **provided**, that the librarian granted such leave shall not engage in any form of employment, and shall devote at least one-third of his or her total leave either to travel or to study, or both, such as would contribute to the value of such librarian to the public library system of this Territory. Such leaves shall not be extended beyond one year and may not be repeated until after a period of eight additional years of service." [L. 1951, c. 190, pt. of s. 1.]

Section 2. All membership credit in the employees' retirement system of the Territory of Hawaii of persons heretofore employed by the Kauai Public Library Association is hereby ratified and confirmed.

Section 3. This Act shall take effect on July 1, 1951.

(Approved May 28, 1951.) S.B. 308, Act 190.

Chapter 34. UNIVERSITY OF HAWAII.

§ 1942. Regents appointment, tenure; qualifications; meetings. Am. L. 1945, Act 135 [A-40].

Series A-49: ACT 178

An Act to Amend Section 1943 of the Revised Laws of Hawaii 1945, as Amended, Relating to the University of Hawaii and the Powers of the Board of Regents Thereof.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 1943 of the Revised Laws of Hawaii 1945, as amended, is hereby amended by deleting the last two sentences of the first paragraph thereof and substituting therefor the following:

"Sec. 1943. It shall have power to purchase or otherwise acquire title to land, buildings and fixtures and other property for the purposes of the university, to pledge, mortgage or otherwise hypothecate its title to the same as security for university projects under chapter 34.6, to bargain, sell, grant, convey, exchange or otherwise dispose of such or other property, real or personal, consistent with its judgment as to the best interest of the university, and also in keeping with the university's best interest to expend such unrestricted funds as may be available regardless of the source thereof, except as otherwise provided by law. Subject to the exercise of the powers of the board of regents, title to any and all university property, real or personal, shall be vested in said board for the use and benefit of the university, to be administered and disposed of according to law."

Section 2. Duly authenticated copies of this Act, upon its approval, shall be forwarded to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, the Secretary of the Interior, and the Delegate to Congress from Hawaii.

Section 3. This Act shall take effect upon its approval but shall not become law until ratified by the Congress of the United States.

(Approved May 28, 1951.) H.B. 182, Act 178.

Series A-50: ACT 61

An Act Relating to the Powers of Regents of the University of Hawaii and Amending Section 1943, as Amended, of the Revised Laws of Hawaii 1945.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 1943 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by amending the first sentence of the second paragraph thereof to read as follows:

"The board is authorized to charge, in addition to the usual maintenance fees, a tuition fee of not more than two hundred dollars a year."

Section 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 10, 1951.) S.B. 529, Act 61.

§ 1943. Am. L. 1945, Act 135 [A-40].

§ 1947. Appropriations; accounts; reports. Am. L. 1945, Act 135 [A-40].

§ 1950. Classification. Am. L. 1947, Act 208 [A-4].

§ 1950.01. Blind, fee exemption. NEW, L. 1947, Act 62 [A-41].

§ 1964. Rep. L. 1949, Act 185 [A-32].

§ 1969.01. Specialist in cooperative organizations. NEW, L. 1949, Act 248 [A-57].

Series A-51: ACT 174

An Act Establishing a School of Nursing at the University of Hawaii, Defining its Functions, and Making an Appropriation Therefor.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 34 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto the following:

"SCHOOL OF NURSING

Sec. 1977. Creation of school of nursing. There is hereby created as a department of the University of Hawaii a school of nursing with such management, faculty and other personnel as the board of regents may designate. [L. 1951, c. 174, pt. of s. 1.]

Sec. 1978. Functions. The school of nursing shall conduct a complete course in nursing leading to the conferring of an appropriate bachelor's degree upon graduation therefrom and sufficient to qualify its graduates as registered nurses. The curriculum of the school of nursing shall be such as the board of regents may approve and may include subjects outside of the field of nursing as may be deemed consonant with the requirements of a university education and clinical training and practice in hospitals, hospital schools of nursing and similar institutions. [L. 1951, c. 174, pt. of s. 1.]

Sec. 1979. Power to contract. The board of regents is authorized and empowered to enter into contracts with any hospital, hospital school of nursing, or similar institution, in the territory, for the purpose of arranging for clinical training and practice therein for students of the school of nursing." [L. 1951, c. 174, pt. of s. 1.]

Section 2. There is appropriated from the general revenues of the territory not otherwise appropriated the sum of \$25,000.00 for the biennium beginning July 1, 1951, and ending June 30, 1953, to be expended by the board of regents of the University of Hawaii for the operation of the school of nursing established by section 1, including professional and other personal services, administrative expenses, supplies and equipment, modifications of existing university facilities to accommodate the school of nursing, and expenses incident to any contract entered into under the provisions of section 1979 as enacted by section 1 hereof.

Section 3. This Act shall take effect upon its approval.

(Approved May 26, 1951.) H.B. 482, Act 174.

Chapter 34.6. UNIVERSITY PROJECTS.

§§ 1991.01-.13. University projects. NEW, L. 1947, Act 141 [A-42].

Title 6: HEALTH.

Chapter 35. BOARD OF HEALTH.

Series A-52: ACT 292

An Act Relating to the Board of Health and
Amending Section 2001 of the Revised Laws of Hawaii
1945, as Amended.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 2001 of the Revised Laws of Hawaii 1945, as amended by Act 208 (Series A-58) of the Session Laws of Hawaii 1949, is hereby further amended to read as follows:

"Sec. 2001. Board of health; members; qualifications; tenure; president; acting president. There shall be a board of health for the territory (hereinafter referred to as the board) consisting of eleven members (including the president), of whom ten shall be appointive members and one shall be the attorney general of the Territory of Hawaii, ex officio. At least two but not more than three of the appointive members shall be persons who are licensed to practice as doctors of medicine in the territory. At least one but not more than two of the appointive members shall be persons who are licensed to practice as dentists or dental surgeons in the territory. At least three of the appointive members shall be residents of a county other than the city and county of Honolulu, that is, one from each of the counties of Hawaii, Kauai and Maui. The president shall be a person who (1) has been or is eligible to be certified by the American Board of Preventive Medicine and Public Health, Incorporated, or (2) is (a) licensed to practice as a doctor of medicine or osteopathy in the territory and has successfully completed at least one year of graduate study leading to a degree in public health, and (b) has had, during the ten years next preceding his consideration for appointment, at least six years of practical experience in public health work, including supervision or administration of such work, in communities of not less than 50,000 population, or in the United States Public Health Service as a commissioned medical officer. The president and other appointive members shall be appointed for terms of four years, and may be removed, by the governor in the manner prescribed by section 80 of the Hawaiian Organic Act. All of the members of the board shall serve without pay, except the president, whose salary shall be fixed by or pursuant to law, but the members shall be reimbursed

for their reasonable traveling and other expenses incurred in the discharge of their duties. The president shall be the presiding officer of the board. During the temporary absence from the territory or the illness of the president, the governor shall designate one of the members of the board as acting president; **provided** that, in case of the absence from any meeting of the president or an acting president, any member may be chosen by the board to preside at such meeting." [P.C. 1869, c. 59, ss. 1, 31; am. L. 1876, c. 11, s. 2; am. L. 1893-4, c. 18, s. 1; am. L. 1903, c. 57, s. 1; am. L. 1911, c. 132, s. 1; R. L. 1925, s. 909; am. L. 1925, c. 34, s. 1; R. L. 1935, s. 900; am. L. 1937, c. 122, s. 1; am. L. 1943, c. 43, s. 1; R. L. 1945, s. 2001; am. L. 1949, c. 208, s. 1; am. L. 1951, c. 292, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved June 9, 1951.) H.B. 661, Act 292.

§ 2010. Agents and inspectors. AM. L. 1945, Act 209 [A-41].

§ 2012. Rules. Am. L. 1945, Act 116 [A-42], rewritten pp. 66-67.

§§ 2012.01-.05. Division of dental health. NEW, L. 1949, Act 208 [A-58].

Series A-53: ACT 18

An Act Relating to Public Health, Providing for a Bureau of Industrial Hygiene, Defining Its Powers and Duties, Amending Section 2015 of the Revised Laws of Hawaii 1945, as Amended.

Be it Enacted by the Legislature of the Territory of Hawaii:

[Sec. 2012.06.] Section 1. **Bureau of Industrial Hygiene.** There shall be a bureau of industrial hygiene in the board of health of the Territory of Hawaii. [L. 1951, c. 18, s. 1.]

[Sec. 2012-07.] Section 2. **Enforcement, powers, and duties of the bureau.** It shall be the duty of the bureau of industrial hygiene to enforce the rules and regulations of the board of health relating to or affecting industrial hygiene, and the bureau shall have the power and it shall be its duty to detect, prevent and control: (1) conditions and exposures affecting health which are associated with conditions of employment, (2) atmospheric pollution, (3) improper fumigation, (4) inadequate and improper ventilation, (5) sources of ionizing radiation, and (6) other similar conditions.

Further, the bureau may conduct research and investigations, and disseminate knowledge and information to the public, concerning conditions in places of employment (and areas and places adversely affected by such places of employment) which may be responsible for the development of occupational diseases, afflictions and poor health, and concerning all other matters which are the subject of its duties. [L. 1951, c. 18, s. 2.]

Section 3. Section 2015 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by changing the period at the end of subparagraph 20 thereof to a semicolon and adding a new subparagraph thereto to be numbered and to read as follows: "21. Sources of ionizing radiation."

Section 4. This Act shall take effect upon its approval.

(Approved May 2, 1951.) H.B. 476, Act 18.

Series A-54: ACT 34

An Act to Create a Bureau of Nutrition of the Board of Health and to Provide for Its Duties.

Be it Enacted by the Legislature of the Territory of Hawaii:

[Sec. 2012.08.] Section 1. **Bureau of Nutrition.** There shall be a bureau of nutrition in the board of health of the Territory of Hawaii. The bureau shall be empowered to:

(a) conduct staff education in nutrition for the personnel of the board of health;

(b) cooperate in training staffs of schools, welfare agencies, and other persons who deal with problems involving food and nutrition;

(c) cooperate in the solution of nutrition problems of other agencies, such as schools, boarding homes and institutions;

(d) stimulate interest in good nutrition and improved food practices in the territory through talks, literature, radio, newspapers, movies and exhibits;

(e) evaluate, prepare, and distribute nutrition education materials;

(f) give direct service on personal nutrition problems to members of the public through individual consultation, group conferences and correspondence;

(g) assist organizations in coordinating and planning nutrition education programs;

(h) conduct research in food habits and nutritional status; and

(i) conduct such other activities in the field of nutrition as the president of the board of health shall direct. [L. 1951, c. 34, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 4, 1951.) H.B. 125, Act 34.

Series A-55: ACT 181

To Amend Section 2015 of the Revised Laws of Hawaii 1945, Relating to the Authority of the Board of Health to Make Regulations for the Public Health and Safety.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 2015 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding to said section the following paragraph:

"21(a).* Medical examination, vaccination, revaccination and immunization of school children. No child shall be subjected to such medical examination, vaccination, revaccination or immunization, whose parent or guardian shall in writing object thereto on grounds that such requirements are not in accordance with the religious tenets of an established church of which he is a member or adherent, but no such objection shall be recognized when, in the opinion of the board, there is danger of an epidemic from any communicable disease."

Section 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 28, 1951.) S.B. 193, Act 181.

* Renumbered "21 (a)" because of Act 18 [A-53], supra.

Series A-56: ACT 64

An Act to Amend Section 2015 of the Revised Laws of Hawaii 1945, as Amended by Act 116 (A-42) of the Session Laws of 1945 and Act 71 (A-59) of the Session Laws of 1949, Relating to the Authority of the Board of Health to Make Regulations for the Public Health and Safety.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 2015* of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding a new paragraph at the end thereof to read as follows:

22. "The board may require such certificates, permits or licenses as it may deem necessary adequately to regulate the conditions or businesses referred to in this section." [P. C. 1869, c. 59, ss. 4-6; am. L. 1905, c. 42, s. 1; am. L. 1911, c. 132, s. 2; am. L. 1913, c. 63, s. 1; am. L. 1919, c. 235, s. 1; R. L. 1925, s. 912; R. L. 1935, pt. of ss. 904 and 1130; am. L. 1937, c. 122, s. 4; am. L. 1937, c. 197, s. 1; am. L. 1941, c. 18, s. 1; R. L. 1945, s. 2015; am. L. 1945, c. 116, s. 1(b); am. L. 1949, c. 71, s. 1; am. L. 1951, c. 18, s. 3; cc. 64, 181, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 10, 1951.) H.B. 899, Act 64.

* § 2015, Am. L. 1951, Acts 18, 181 [A-53, 55], supra.

* § 2015 amended and rewritten L. 1949, Act 71 [A-59], pp. 112-113.

§ 2016. Barbers, hairdressers, cosmeticians, cosmetologists and beauticians. AM. L. 1945, Act 140 [A-43] and Am. L. 1949, Act 19 [A-60].

§ 2017. Regulation of certain occupations. Am. L. 1945, Act 116 [A-42], rewritten p. 68; Am. L. 1947, Act 192 [A-52] and Am. L. 1949, Act 19 [A-60].

§ 2020. Penalty. Am. L. 1947, Act 82 [A-43], rewritten p. 88.

§§ 2021.01-.05. Cancer control. NEW, L. 1949, Act 79 [A-61].

Chapter 35 A. BARBERING, PRACTICE OF.

§§ 2025.01-.17. Barbering. NEW, L. 1947, Act 194 [A-44].

Chapter 36. REGULATION OF BEAUTY CULTURE.

§§ 2031-2049. Beauty culture. AM. L. 1949, Act 397 [A-62]. (This act completely supplants Ch. 36 §§ 2031-59 as amended by L. 1947, Act 238 [A-45].)

HEALTH

Chapter 37. CHIROPRACTIC.

§ 2071. License to practice. Am. L. 1949, Act 57 [A-64].

§ 2072. Board of examiners. Am. L. 1949, Act 57 [A-64], rewritten pp. 126-127.

§ 2079. License refusal, revocation, reissuance. AM. L. 1949, Act 151 [A-65].

§ 2079.01. Proceedings for revocation or suspension of license. NEW, L. 1949, Act 151 [A-65].

§ 2083. Penalty. Am. L. 1947, Act 94 [A-46], rewritten p. 99.

Chapter 39. DENTISTRY.

See §§ 2012.01-.05. L. 1949, Act 208 [A-58], division of dental health.

§ 2154. Fraudulent advertising; penalty. Am. L. 1947, Act 170 [A-47], rewritten pp. 100-101 and Am. L. 1949, Act 177 [A-66].

§ 2156. Officers, meetings, quorum. AM. L. 1949, Act 177 [A-66].

§ 2157. Expenses; special fund. Am. L. 1947, Act 170 [A-47].

§ 2159. Application, examination, time; fee; temporary license. AM. L. 1949, Act 177 [A-66].

§ 2161. Registration necessary in certain counties. Am. L. 1949, Act 177 [A-66].

§ 2164. Refusal, revocation, suspension and restoration of licenses. Am. L. 1949, Act 177 [A-66], rewritten p. 133.

§ 2164-A. Hearings. NEW, L. 1949, Act 177 [A-66].

§ 2167. Rep. L. 1949, Act 177 [A-66].

Chapter 40. DENTAL HYGIENISTS.

§ 2181. Who may become dental hygienists. Am. L. 1949, Act 59 [A-67].

§§ 2182, 2183. License; employment, dental hygienists. Am. L. 1945, Act 118 [A-44], rewritten pp. 71-2.

Chapter 41. FOOD, DRUGS AND COSMETICS.

§ 2229. Repealed L. 1947, Act 116 [A-48].

§ 2240.01. Iced fish. NEW, L. 1947, Act 187 [A-49].

§ 2246.01-.06. Flour enrichment. NEW, L. 1945, Act 101 [A-45].

Chapter 41 A. HOSPITALS AND MEDICAL CARE.

Series A-57: ACT 129

An Act Creating a Division of Hospitals and Medical Care in the Department of Health, Defining Its Powers, Duties and Functions, Providing for a Territorial Advisory Commission and County Advisory Health Committees, Providing for the Medical Care of Indigents and the Medically Indigent, Amending Sections 6233 and 6521 of the Revised Laws of Hawaii 1945, as Amended, and Making an Appropriation.

Be it Enacted by the Legislature of the Territory of Hawaii:

[Sec. 2261.] Section 1. **Definitions.** Whenever in this chapter the following words and equivalent expressions appear they shall have the following meanings, respectively:

"Board" means the board of health of the Territory of Hawaii.

"Commission" means the territorial advisory commission for hospitals and medical care created by this Act.

"County advisory group" means the local advisory health committee in each of the several counties.

"Indigent" means a person without adequate and proper means of subsistence, for the support of whom the department of public welfare is liable or responsible.

"Medically indigent" means a person otherwise able to subsist himself or herself, but who in the emergency of sickness is not able to care for the extra expenses necessary to maintain or restore health.

"Medical care" means all kinds of medical care, dental care, and maternity care, including surgical and medical care, eye care, (which includes optical appliances), materials, supplies and all other appliances used in the care, treatment and rehabilitation of patients, and hospitalization. [L. 1951, c. 129, s. 1.]

[Sec. 2262.] Section 2. **Division of hospitals and medical care; establishment.** There is hereby established in and under the board of health of the Territory of Hawaii, a division of hospitals and medical care. The said division shall be administered as directed by the board of health. [L. 1951, c. 129, s. 2.]

[Sec. 2263.] Section 3. **Territorial advisory commission for hospitals and medical care.** There is hereby created a territorial advisory commission for hospitals and medical care to consist of ten members who shall be appointed by the governor in the manner provided by section 80 of the Organic Act, and an eleventh member who shall be the person then holding the position of

director of public welfare of the territory. The majority of the membership of the commission shall consist of doctors of medicine, hospital administrators, and representatives from allied professions; there shall be at least one representative from each of the county advisory groups; at least four of the total membership of the eleven members of the commission shall be doctors of medicine licensed to practice in the Territory of Hawaii.

The term of office of the appointive members of the commission shall be four years from and after the date of their respective appointments; **provided**, that upon the first appointments four of said members shall be appointed for terms ending June 30, 1953, and three for terms ending June 30, 1954. Any vacancy occurring on said commission shall be filled by appointment, **provided** the one appointed to fill such vacancy on the commission shall serve only for the unexpired term of the person whom he succeeds. [L. 1951, c. 129, s. 3.]

[Sec. 2264.] Section 4. **County advisory health committees; powers and duties.** There shall be a county advisory health committee in each of the several counties of the territory. Each county advisory group shall be composed of not less than five nor more than seven members. The county health officer or his agent in each of the counties shall be a member of the county advisory group. The remaining members of the county advisory group in the city and county of Honolulu shall be appointed by the mayor, and in each of the other counties shall be appointed by the chairman of the board of supervisors.

The county advisory group in each county shall act as advisors to the board of supervisors in matters concerned with medical care of the indigent and medically indigent, and the costs thereof shall be borne as described in section 9 of this Act. [L. 1951, c. 129, s. 4.]

[Sec. 2265.] Section 5. **Division of hospitals and medical care; powers and duties.** The division of hospitals and medical care in the department of health, shall perform all of the duties heretofore performed by such other bureaus or officers or employees within the board of health who have had charge of the administration of rules and regulations for the operation and maintenance of hospitals in the territory, and who have had administrative charge of duties of the department concerned with medical care of the indigent and medically indigent in the territory. The division of hospitals and medical care shall include among its functions and duties the supervision of government physicians in the territory. [L. 1951, c. 129, s. 5.]

[Sec. 2266.] Section 6. **Advisory commission for hospitals and medical care; powers and duties.** The commission shall study con-

ditions and the program and procedure existing in the territory for medical care of the indigent and medically indigent; the commission shall study and consider problems relating to hospital construction in the territory, hospital subsidies, inspections of hospitals and licensing of hospitals. The commission shall act as advisors to the board of health in regard to all matters concerning hospitals and medical care of the indigent and medically indigent. [L. 1951, c. 129, s. 6.]

[Sec. 2267.] Section 7. **Medical care of indigent persons.** All persons classed as indigents and receiving assistance from the department of public welfare shall be eligible for all types of medical care; the department of public welfare shall maintain current eligible lists of such persons. [L. 1951, c. 129, s. 7.]

[Sec. 2268.] Section 8. **Counties to make determination of medically indigent.** The determination of persons as medically indigent shall be the responsibility of the respective counties; each of the boards of supervisors shall employ qualified personnel to aid in the determination of who are medically indigent persons, and may receive assistance and advice concerning such determination from the department of public welfare and the county advisory group. [L. 1951, c. 129, s. 8.]

[Sec. 2269.] Section 9. **Costs of medical care of indigent and medically indigent.** The costs of medical care for the indigent and medically indigent persons in the Territory of Hawaii shall be paid by the territory.

The board of health shall approve semi-annual advances to each of the several counties, on the 1st day of July and 2nd day of January of each year, of sums estimated by each of the several counties as that needed for the costs of medical care. At the end of each semi-annual period the board of supervisors of each of the counties will certify to the board of health the amounts expended for medical care as provided in this Act. In the event the board of health shall determine that any sum or sums were paid by any county without authority or proper determination under this Act, said sum or sums shall constitute a deduction from the amount which would otherwise be advanced to the county for the semi-annual period next ensuing following the determination of such unauthorized expenditure.

All hospital charges for the care of indigent and medically indigent patients shall be paid by the respective boards of supervisors to the respective hospitals, without respect to whether such hospitals are publicly or privately owned or operated; payments to hospitals under this paragraph are to be based upon a flexible cost formula to be established by the board of health. [L. 1951, c. 129, s. 9.]

[Sec. 2270.] Section 10. **Commission to replace hospital advisory council.** All of the powers and functions now provided to be exercised and performed by the hospital advisory council established by executive order of the governor of Hawaii, dated March 14, 1948, shall devolve upon and be exercised and performed by the territorial advisory commission for hospitals and medical care. [L. 1951, c. 129, s. 10.]

[Sec. 2271.] Section 11. **Board to make rules and regulations.** The board of health shall make and publish rules and regulations to carry into effect and administer the provisions of this Act. [L. 1951, c. 129, s. 11.]

Section 12. All laws or parts of laws inconsistent herewith are hereby amended to conform to the provisions of this Act.

Section 13. There is hereby appropriated from the general funds of the Territory of Hawaii not otherwise appropriated the sum of fifty thousand dollars (\$50,000.00) to be expended by authority of the division of hospitals and medical care of the board of health for the administration of the provisions of this Act.

Section 14. There is hereby appropriated from the general funds of the territory not otherwise appropriated the sum of two million six hundred twenty-five thousand dollars (\$2,625,000.00) to be expended by the board of health for the costs of medical care for the indigent and medically indigent as provided in section 9 of this Act; **provided**, that as of the effective date of this Act, any funds appropriated to the department of public welfare, for contributions to costs of hospital and medical care, by House Bill No. 48 of the Twenty-sixth Legislature, if the same is enacted into law, shall lapse; and **provided**, further, that any portion of the funds appropriated by this Act may, with the approval of the governor, be transferred to the department of public welfare for expenditure by that department in accordance with the requirements of federal laws or federal rules and regulations under which federal matching funds may be claimed by the territory.

Section 15. (a) **Section 6233** of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by deleting and repealing subsections 15 and 16 thereof.

(b) **Section 6521** of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by deleting and repealing subsections 40 and 41 thereof.

Section 16. This Act shall take effect on July 1, 1951.

(Approved May 21, 1951.) H.B. 168, Act 129.

Chapter 42. INFECTIOUS * * * DISEASES.

- § 2305. Antitoxins. Am. L. 1945, Act 191 [A-46].
 § 2306.01. Potentially infectious laundry from hospitals and sanatoria. NEW, L. 1949, Act 22 [A-68].
 § 2311. Serologic tests. Am. L. 1945, Act 105 [A-47], rewritten p. 78.
 § 2317. Spitting. AM. L. 1945, Act 66 [A-48].
 § 2330.01. Tubercular examinations. NEW, L. 1947, Act 79 [A-50].
 § 2330.02. Notice. AM. L. 1949, Act 60 [A-69].
 § 2330.03. Test and treatment for tuberculosis free, when, where. NEW, L. 1949, Act 90 [A-70].
 §§ 2330.05-10. Isolation of tuberculars. NEW, L. 1949, Act 307 [A-71].
 §§ 2331-33. Vaccination, immunization. AM. L. 1945, Act 171 [A-49].
 §§ 2334-37. Procedures, exemptions, etc. Am. in toto L. 1947, Act 165 [A-51]; see L. 1945, Act 171 [A-49].
 § 2338. Duty of parent. NEW, L. 1945, Act 171 [A-49].
 §§ 2339, 2340. Rep. L. 1945, Act 171 [A-49].

Chapter 43. HOSPITALS AND SETTLEMENT: HANSEN'S DISEASE SUFFERERS.*

This chapter am. L. 1949: Act 53 [A-72]; Act 109 [A-73]; Act 392 [A-74]; Act 80 [A-75]; Act 371 [A-76]; and Act 378 [A-77]. Also by L. 1945, Act 299 [A-51].

Series A-58: ACT 157

An Act Amending Chapter 43 of the Revised Laws of Hawaii 1945, as Amended, Relating to Hansen's Disease and the Powers and Duties of the Board of Health.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 2401 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended to read as follows:

"Sec. 2401. Establishment of hospitals, etc.; treatment and care of persons affected with Hansen's disease. The board of health, subject to the approval of the governor, shall establish such hospitals, settlements and places as it shall deem necessary for the care, treatment and segregation of persons affected with Hansen's disease.

At every such hospital, settlement and place there shall be exercised every reasonable effort to effect a cure of such persons, and all such persons shall be cared for as well as circumstances will permit, and given such liber-

* See note following Act 31 [A-59], infra.

ties as may be deemed compatible with public safety and in the light of advances in medical science and in accordance with accepted practices elsewhere. Such treatment shall be compulsory only in those cases where, in the opinion of the board, such treatment is necessary to save life or prevent obvious physical suffering, and the board may take such measures as may be necessary to enforce the provisions of this section." [L. 1909, c. 81, s. 1; R. L. 1925, s. 1183; am. L. 1931, c. 139, s. 5; am. imp. L. 1933, c. 118, s. 2; R. L. 1935, s. 1140; R. L. 1945, s. 2401; am. L. 1949, c. 53, s. 1; am. L. 1951, c. 157, s. 1.]

Section 2. **Section 2401.02** of the Revised Laws of Hawaii 1945, as enacted by Act 392 of the Session Laws of Hawaii 1949, is hereby amended in the following respects:

1. By substituting for the words "the hospital" in the eleventh line thereof the words "any such hospital, settlement or place for the care and treatment of persons affected with Hansen's disease"; and

2. By substituting for the words "the hospital" in the thirteenth and twenty-first lines thereof the words "such hospital, settlement or place".

Section 3. **Section 2403** of the Revised Laws of Hawaii 1945, as amended, is hereby further amended in the following respects:

1. By deleting from the title thereof the words "and rules"; and

2. By deleting therefrom the last two sentences.

Section 4. **Section 2409** of the Revised Laws of Hawaii 1945, as amended, is hereby further amended in the following respects:

1. By deleting the phrase "or to the board of health or its authorized agent," in the third and fourth lines thereof;

2. By deleting the words "or the board of health" in the fifth line thereof; and

3. By deleting the last sentence thereof.

Section 5. **Section 2410** of the Revised Laws of Hawaii 1945, as amended, is hereby further amended in the following respects:

1. By substituting for the words "hospitals and settlement" in the third, fifth, ninth, eighteenth and twenty-first lines thereof the word "health"; and

2. By adding a comma immediately following the word "hospital" in the eighteenth line and by substituting for the words "or transfer to the settlement," in the eighteenth and nineteenth lines the words "settlement or place for the care and treatment of persons affected with Hansen's disease,".

Section 6. **Section 2411** of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

1. By substituting for the phrase "such hospital" in the third line thereof the phrase "any such hospital, settlement or place for the care and treatment of persons affected with Hansen's disease"; and

2. By substituting for the word "hospital" in the fifth and eighth lines thereof the words "hospital, settlement or place".

Section 7. Section 2412 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended in the following respects:

1. By substituting for the words "such hospital or any other place" in the first and second lines thereof the words "any such hospital, settlement or place for the care and treatment of persons affected with Hansen's disease"; and

2. By substituting for the word "hospital" in the third line thereof the words "hospital, settlement or place".

Section 8. Section 2413 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by substituting for the phrase "whether at the hospital or at the settlement at Molokai," in the first and second lines thereof the phrase "at any hospital, settlement or place for the care and treatment of persons affected with Hansen's disease,".

Section 9. Section 2416 of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

1. By substituting for the words "the Kalihi hospital or at the settlement at Molokai" in the third line thereof the words "any hospital, settlement or place for the care and treatment of persons affected with Hansen's disease";

2. By adding immediately following the word "times" in the fourth line thereof the phrase "and subject to such conditions"; and

3. By substituting for the word "hospital" in the eleventh line thereof the words "hospital, settlement or place".

Section 10. Section 2417 of the Revised Laws of Hawaii 1945 is hereby amended by substituting for the phrase "the Kalihi receiving hospital and the settlement at Kalaupapa, Molokai," in the first sentence of said section, the phrase "any hospital, settlement or place for the care and treatment of persons affected with Hansen's disease,".

Section 11. Section 2424 of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

1. By deleting from the subtitle thereof the words "at Kalihi Hospital";

2. By deleting the words "at Kalihi receiving hospital," in the second line thereof; and

3. By substituting for the words "said hospital," in the second and third lines thereof the words "any such hospital, settlement or place,".

Section 12. **Section 2424.01** of the Revised Laws of Hawaii 1945, as enacted by Act 229 of the Session Laws of Hawaii 1945, as amended, is hereby further amended in the following respects:

1. By substituting for the word "station" in the third and seventh lines thereof the word "place"; and

2. By substituting for the words "hospitals and settlement," in the sixth line thereof the word "health",.

Section 13. **Section 2425** of the Revised Laws of Hawaii 1945, as amended, is hereby further amended to read as follows:

"Sec. 2425. Board to make rules and regulations. The board of health, with the approval of the governor, may adopt such rules and regulations as it may consider necessary for the conduct of all matters pertaining to Hansen's disease, the treatment thereof, the care, custody, control and segregation of all persons affected with such disease, the care, discipline and maintenance of voluntary helpers, or kokuas, and the full and complete governance of the county of Kalawao, except as limited by such provisions as may elsewhere be contained in this chapter. Such rules and regulations when published in accordance with the provisions of section 466, as amended, shall have the force and effect of law." [L. 1870, c. 33, pt. of s. 1; R. L. 1925, s. 1199; am. L. 1931, c. 139, s. 5; am. L. 1933, c. 118, s. 1; R. L. 1935, s. 1162; R. L. 1945, s. 2425; am. L. 1949, c. 53, s. 17; am. L. 1951, c. 157, s. 13.]

Section 14. **Section 2430** of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by substituting for the phrase "the settlement at Kalaupapa, county of Kalawao, or at the Kalihi hospital, city and county of Honolulu," in the first sentence thereof the phrase "any hospital, settlement or place for the care and treatment of persons affected with Hansen's disease,".

Section 15. **Section 2438** of the Revised Laws of Hawaii 1945, as amended, is further amended by substituting for the words "hospitals and settlement" in the subtitle and in the second and third lines thereof the word "health".

Section 16. **Section 2439** of the Revised Laws of Hawaii 1945 is hereby amended by substituting for the words "hospitals and settlement" in the third line thereof the word "health".

Section 17. **Section 2440** of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by substituting for the words "hospitals and settlement" in the second line thereof the word "health".

Section 18. **Section 2442** of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by substituting for the words "hospitals and settlement" in the third and fourth lines thereof the word "health".

Section 19. Chapter 43 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto a new section to be numbered 2443 and to read as follows:

"Sec. 2443. Penalty. Any person violating any of the provisions of this chapter, or any rule or regulation of the board of health relating thereto, shall be deemed guilty of a misdemeanor. Except as herein otherwise provided, the punishment therefor shall be the same as provided by section 2020." [L. 1951, c. 157, s. 19.]

Section 20. **Sections 2407**, as amended, **2421**, as amended, and **2432** of the Revised Laws of Hawaii 1945 are hereby repealed.

Section 21. The provisions of this Act shall not be construed as amending, modifying or repealing existing rules and regulations of the board of health relating to Hansen's disease.

Section 22. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 23, 1951.) S.B. 495, Act 157.

Series A-59: ACT 31

An Act to Amend Act 80 of the Session Laws of Hawaii 1949, Relating to Meetings of the Board of Health.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The quoted matter in subparagraph (1) of section 1 of Act 80 [Series A-75, am. **Sec. 2403.**], Session Laws of Hawaii 1949, is hereby amended to read as follows:

"The board shall hold at least three meetings a year at Kalaupapa and at Hale Mohalu, respectively, and at two of such meetings at each place the board may designate one

or more of its members to hold the same. The patients shall be given an opportunity to be present and to be heard at such meetings."

Section 2. This Act shall take effect upon its approval.

(Approved May 4, 1951.) S.B. 238, Act 31.

* § 2403, as so amended, should read:

Sec. 2403. Meetings. The board shall hold at least three meetings a year at Kalaupapa and at Hale Mohalu, respectively, and at two of such meetings at each place the board may designate one or more of its members to hold the same. The patients shall be given an opportunity to be present and to be heard at such meetings. [L. 1931, c. 139, s. 2; am. L. 1933, c. 118, s. 1; R. L. 1935, s. 1142; R. L. 1945, s. 2403; am. imp. L. 1949, c. 109; am. L. 1949, c. 80, s. 1; am. L. 1951, c. 157, s. 3; am. L. 1951, c. 31, s. 1.]

§ 2401.01. **Administration by board of health.** NEW, L. 1949, Act 109 [A-73].

§ 2401.02. **Care in other hospitals, homes, etc.** NEW, L. 1949, Act 392 [A-74]; Am. L. 1951, Act 157 [A-58].

§ 2402. **Rep. L. 1949, Act 109 [A-73].**

§ 2403. **Meetings and rules.** Am. (?) L. 1949, Act 109 [A-73] and by virtue of §§ 2001, 2003, 2007, 2011, 2012 and L. 1949, Act 80 [A-75], rewritten p. 147; am. L. 1951, Act 157 [A-58].

§ 2406. **Appropriations, how spent.** Am. L. 1949, Act 53 [A-72].

§ 2407. **Treatment and care of persons affected with Hansen's disease.** Rep. L. 1951, Act 157 [A-58].

§ 2408. **Treatment and care of pregnant mothers affected with leprosy; disposition of children.** Am. L. 1949, Act 53 [A-72].

§ 2409. **Notification.** Am. L. 1949, Act 53 [A-72]; am. L. 1951, Act 157 [A-58].

§ 2410. **Examination.** Am. L. 1949, Act 53 [A-72]; am. L. 1951, Act 157 [A-58].

§ 2411. **Transfer to hospital.** Am. L. 1949, Act 53 [A-72]; am. L. 1951, Act 157 [A-58].

§ 2412. **Removal to settlement.** Am. L. 1949, Act 53 [A-72]; Am. L. 1951, Act 157 [A-58].

§ 2413. **Discharge.** Am. L. 1949, Act 53 [A-72]; am. L. 1951, Act 157 [A-58].

§ 2416. **Temporary release.** Am. L. 1949, Act 53 [A-72]; am. L. 1951, Act 157 [A-58].

§ 2417. **Aid to indigents discharged.** Am. L. 1951, Act 157 [A-58].

§ 2418. **Concealing lepers, penalty.** Am. L. 1949, Act 53 [A-72].

§ 2419. **Deputy sheriffs or police officer to report lepers.** Am. L. 1949, Act 53 [A-72].

§ 2421. **Hospitals.** Rep. L. 1951, Act 157 [A-58].

§ 2422. **Permits to treat lepers.** Am. L. 1949, Act 53 [A-72].

§ 2423. **Labor of patients by consent.** AM. L. 1945, Act 159 [A-50]; am. L. 1949, Act 371 [A-76]; Act 378 [A-77], rewritten pp. 149-150.

§ 2424. **Labor of patients.** Am. L. 1951, Act 157 [A-58].

HEALTH

§ 2424.01. Pensions for patient employees at leper hospital, etc. NEW, L. 1945, Act 229 [A-51]; am. L. 1949, Act 53 [A-72]; am. L. 1951, Act 157 [A-58].

§ 2425. Rules and regulations. Am. L. 1949, Act 53 [A-72]; AM. L. 1951, Act 157 [A-58].

§ 2426. Accounts, reports. Am. L. 1949, Act 53 [A-72].

§ 2427. Who allowed at settlement. Am. L. 1949, Act 53 [A-72].

§ 2429. Kalaupapa store prices; penalty. Am. L. 1949, Act 80 [A-75].

§ 2430. Making or taking pictures without permit, prohibited; penalty. Am. L. 1949, Act 80 [A-75]; am. L. 1951, Act 175 [A-58].

§ 2431. Control of kokuas and voluntary helpers. Am. L. 1949, Act 53 [A-72].

§ 2432. Regulations. Rep. L. 1951, Act 157 [A-58].

§ 2433. Duties. Am. L. 1949, Act 53 [A-72].

§ 2434. Same. Am. L. 1949, Act 53 [A-72].

§ 2435. Board to control homes. Rep. L. 1949, Act 80 [A-75].

§ 2436. Wards of the Territory. Rep. L. 1951, Act 24 [A-95].

§ 2438. Governed by board of hospitals and settlement. Am. L. 1949, Act 53 [A-72]; am. L. 1951, Act 157 [A-58].

§ 2439. Sheriff, appointment, removal. Am. L. 1951, Act 157 [A-58].

§ 2440. Sheriff, salary. Am. L. 1949, Act 53 [A-72]; am L. 1951, Act 157 [A-58].

§ 2442. Sheriff, powers. Am. L. 1949; Act 53 [A-72]; Act 80 [A-75]; am. L. 1951, Act 157 [A-58].

§ 2443. Penalty. NEW, L. 1951, Act 157 [A-58].

Chapter 43 A. MASSAGE, ETC.

§§ 2451.01-.23. Massage and Hawaiian lomi-lomi. NEW, L. 1947, Act 192 [A-52].

§ 2451.06. Powers and duties of the board. Am. L. 1949, Act 97 [A-78], rewritten p. 151.

§ 2451.16. Renewal of certificate; fees. AM. L. 1949, Act 97 [A-78].

Chapter 45. MEDICINE AND SURGERY.

§ 2502. Practice of medicine defined. Am. L. 1949, Act 63 [A-79].

Series A-60: ACT 173

An Act to Amend Section 2503 of the Revised Laws of Hawaii 1945 Relating to the Board of Medical Examiners and the Qualifications for Examination for License to Practice Medicine.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 2503 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 2503. Board of medical examiners; qualifications for examination. Except as otherwise provided by law, no person shall be licensed to practice medicine or surgery except upon the written report of a board of medical examiners, to be appointed and constituted as in this chapter provided, setting forth that the applicant named therein has passed an examination and has been found to be possessed of the necessary qualifications.

Before any applicant shall be eligible for such examination he shall have furnished proof satisfactory to the board of examiners that he:

(a) (1) is a citizen of the United States; or (2) if not a citizen of the United States, has declared his intention to become a citizen of the United States, as provided by law;

(b) has been a resident of the territory for at least one year; except that a person who has changed his residence to the territory shall have been continuously physically present in the territory for at least nine months of his legal residence in the territory;

(c) is of good moral character;

(d) is a graduate of a medical school or college approved by the council on medical education and hospitals of the American medical association, or in lieu thereof has actively practiced, either in some other jurisdiction, or in the United States army or navy or public health service, as a licensed physician of medicine or surgery for ten out of the eleven years immediately preceding the date of application to take such examination;

(e) has served an internship of at least one year either in a hospital which has been certified or approved for the training of interns and resident physicians by the American Medical Association Council on medical education and hospitals, or if outside the United States, in a hospital which is shown by the applicant to the satisfaction of the board of medical examiners to possess standards substantially the

equivalent of those required for such American Medical Association approval;

(f) has visited a territorial institution devoted to the care of patients suffering from Hansen's disease and is possessed of a written statement from the physician in charge that he is familiar with the general clinical manifestations of Hansen's disease.

Diplomates of the National Board of Medical Examiners who meet the requirements of subparagraphs (a), (b), (c), (d), (e) and (f) above, shall be licensed without the necessity of any further examination.

The governor, upon the recommendation of the board of medical examiners, where in their opinion a public emergency precludes obtaining an adequate number of physicians or surgeons who have the residence qualifications required by this section, may waive said residential requirement in each instance during the period of emergency." [L. 1896, c. 60, s. 3; am. L. 1920, c. 37, s. 1; R. L. 1925, s. 1024; am. L. 1925, c. 26, s. 2; R. L. 1935, s. 1203; am. L. 1939, c. 183, s. 1; am. L. 1941, c. 181, s. 1; am. Sp. L. 1941, c. 40, ss. 1, 2, 3; R. L. 1945, s. 2503; am. L. 1951, c. 173, s. 1.]

Section 2. If any provision of this Act or the application thereof to any person or circumstance, is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 3. This Act shall take effect upon approval.

(Approved May 26, 1951.) H.B. 166, Act 173.

§ 2503.01. Eligible persons for examination. NEW, L. 1949 Act 52 [A-80].

§ 2507. Revocation and restoration of licenses. AM. L. 1947, Act 201 [A-53]; Am. L. 1949, Act 108 [A-81].

§§ 2508-2511. Procedure for revoking licenses. AM. L. 1947, Act 201 [A-53].

Chapter 46. MEDICINAL USE OF HERBS.

§§ 2534.01-.02. Revocation or suspension of permits. NEW, L. 1949, Act 121 [A-82].

Chapter 47. MENTAL HYGIENE.

§ 2552. Functions of the bureau; charges for service. Am. L. 1945, Act 102 [A-52]; Am. L. 1947, Act 55 [A-54], Act 6 [A-55]; Am. L. 1949, Act 231 [A-83].

§ 2552.01. Transportation. NEW, L. 1947, Act 101 [A-56].

HEALTH

Chapter 48. MENTAL INSTITUTIONS, PRIVATE.

§ 2581. Private institutions. Am. L. 1945, Act 106 [A-53].

Chapter 49. NARCOTIC DRUGS.

§ 2601. Definitions. Am. L. 1949, Act 9 [A-84]. See L. 1951, Act 145 [D-230].

Chapter 50. NATUROPATHY.

§ 2653. Qualifications of applicants. AM. L. 1949, Act 214 [A-85].

§ 2655-A. Powers and authority of the board. NEW, L. 1949, Act 214 [A-85].

Chapter 52. NURSES.

§§ 2770, 2771. AM. L. 1945, Act 103 [A-54]; AM. L. 1947, Act 240 [A-57].

§ 2772. AM. L. 1945, Act 103 [A-54].

§ 2773. Am. L. 1947, Act 240 [A-57], rewritten p. 121.

§ 2774. Rep. L. 1947, Act 240 [A-57], p. 120.

§ 2775. Am. L. 1947, Act 240 [A-57], rewritten p. 122.

§ 2776. Rep. L. 1947, Act 240 [A-57], p. 120.

§ 2777. Am. L. 1947, Act 240 [A-57], rewritten p. 122.

§ 2778. Am. L. 1947, Act 240 [A-57], rewritten p. 123.

§ 2779. Am. L. 1945, Act 103 [A-54]; Am. L. 1947, Act 240 [A-57].

§ 2780. Am. L. 1947, Act 240 [A-57], rewritten p. 123.

§ 2781. AM. L. 1945, Act 103 [A-54].

Chapter 53. OPTOMETRY.

§ 2801. Optometry; practice of, defined. AM. L. 1949, Act 58 [A-86].

§ 2801.01. Optometry; unauthorized practice, unlawful. NEW, L. 1949, Act 58 [A-86].

Series A-61: ACT 230

An Act Relating to the Practice of Optometry
and Amending Chapter 53 of the Revised Laws of Ha-
waii 1945, as Amended.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 2805 of the Revised Laws of Hawaii 1945 as amended by Act 58 (Series A-86) of the Session Laws of Hawaii 1949 is hereby further amended in the following respects:

(a) By adding to the fourth paragraph thereof the following:

“Should such an applicant fail the third time or any subsequent time, he shall be required to file a new application and to pay an additional fee of twenty dollars and to take a complete examination.”

(b) By deleting the words “one dollar” appearing in line 2 of the last paragraph thereof and inserting the words “three dollars” in lieu thereof.

Section 2. Section 2809 of the Revised Laws of Hawaii 1945 as amended by Act 58 (Series A-86) of the Session Laws of Hawaii 1949 is hereby further amended by adding thereto the following:

“9. Using any name in connection with his practice other than the name under which he is licensed to practice, or failing to comply with the following provisions, to-wit:

(a) All signs, cards, stationery or other advertising must clearly identify the individual optometrist or optometrists using or presenting the same and must be free from any ambiguity or possibility of misinterpretation as to such identity.

10. Employing or utilizing any unlicensed individual to perform optometric services in connection with refraction or visual training without directly and personally supervising such individual in the performance of such services.” [L. 1917, c. 187, s. 9; R. L. 1935, s. 1378; am. L. 1941, c. 195, pt. of s. 1; R. L. 1945, s. 2805; am. L. 1949, c. 58, s. 1(6); am. L. 1951, c. 230, s. 2.]

Section 3. This Act shall take effect upon its approval.

(Approved May 28, 1951.) H.B. 1067, Act 230.

§ 2805. Examination; certificate of registration. AM. L. 1949, Act 58 [A-86]; Am. L. 1951, Act 230 [A-61], supra.

§ 2806. Expenses. AM. L. 1949, Act 58 [A-86].

§ 2808. Conduct of examinations. AM. L. 1949, Act 58 [A-86].

§ 2809. Refusal to permit examination or issue certificates; grounds for. AM. L. 1949, Act 58 [A-86]; Am. L. 1951, Act 230 [A-61], supra.

Chapter 53 A. OPTICIANS, DISPENSING.

§§ 2820-2834. Dispensing opticians. NEW, L. 1949, Act 183 [A-87].

Chapter 54. OSTEOPATHY.

Series A-62: ACT 201

An Act Relating to the Practice of Osteopathy in the Territory and the Powers and Duties of the Board of Osteopathic Examiners, and Amending Chapter 54 of the Revised Laws of Hawaii 1945, as Amended, Relating to Osteopathy.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 54 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended in the following respects:

1. Delete from the third paragraph of section 2854 all that follows in the paragraph after the word "writing" and substitute a period for the deleted matter.

2. Amend section 2855, as amended, to read as follows:

"Sec. 2855. Fees; fund. (a) License fee. No applicant for a license to practice as an osteopathic physician or as an osteopathic physician and surgeon shall be examined until he shall have paid to the board of osteopathic examiners a fee of twenty-five dollars.

(b) Renewal fees. The provisions of section 2852 and of any other provisions of chapter 54, as amended, to the contrary notwithstanding, there shall be paid to the board of osteopathic examiners by every person licensed to practice as an osteopathic physician or an osteopathic physician and surgeon every year between the first and last days of the month of June, a renewal fee in the amount of, (1) in the cases of

those who are residents of the Territory, five dollars, and (2) in cases of those who are not residents of the Territory, two dollars. Failure of any licensee to pay any renewal fee shall work a forfeiture of his license. Licenses forfeited by the provisions of this section shall be reissued upon payment of a penalty of five dollars and all fees which the licensee would have paid if he had continuously renewed his license.

(c) Funds. All fees collected by the board of osteopathic examiners shall be deposited with the territorial treasurer and shall be held in a special fund, and may be expended by the board for all proper purposes in connection with the administration and enforcement of the provisions of this chapter. Disbursements shall be made on warrants of the auditor based upon vouchers approved by the president of the board of osteopathic examiners." [L. 1921, c. 14, s. 5; R. L. 1925, s. 1039; am. L. 1925, c. 27, s. 4; R. L. 1935, s. 1394; R. L. 1945, s. 2855; am. L. 1947, c. 185, s. 1; am. L. 1951, c. 201, s. 2.]

3. Delete from the third line of section 2859, as amended, the parenthesis and the letter b appearing after the figures 2856.

Section 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 28, 1951.) S.B. 450, Act 201.

§ 2856. Application. AM. L. 1947, Act 185 [A-58].

§§ 2857-58. REP. L. 1947, Act 185 [A-58].

§ 2859. Osteopathic physician and surgeon distinguished. AM. L. 1947, Act 185 [A-58]; Am. L. 1951, Act 201 [A-62].

§§ 2860-61. License. Am. L. 1947, Act 185 [A-58], rewritten p. 125.

§ 2864. Refusal and revocation of license. Am. L. 1947, Act 185 [A-58]; AM. L. 1949, Act 120 [A-88].

§ 2864.01. Board of health to consult with board of osteopathic examiners. NEW, L. 1949, Act 120 [A-88].

§ 2864.02. Notice of charges; hearing. NEW, L. 1949, Act 120 [A-88].

§ 2864.03. Restoration of license. NEW, L. 1949, Act 120 [A-88].

Chapter 55. PHARMACISTS AND PHARMACY.

§§ 2901-2917.01. Pharmacy chapter rewritten. L. 1949, Act 175 [A-89].

Chapter 56. POISONS.

§ 2951. Defined. AM. L. 1945, Act 139 [A-56].

§ 2952. Sale. Am. L. 1945, Act 139 [A-56], rewritten p. 92.

Chapter 56.01. PREVENTIVE MEDICINE.

Series A-63: ACT 42

An Act Relating to Public Health; Establishing the Division of Preventive Medicine, and Defining the Powers Thereof.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. There is hereby added a new chapter to the Revised Laws of Hawaii 1945 to read as follows:

"CHAPTER 56.01. PREVENTIVE MEDICINE.

Sec. 2957. Division; director and assistants. There is hereby created under the board of health of the territory a division of preventive medicine which shall be in the charge of a director who shall be appointed in the manner provided by section 2004, who shall be a duly licensed physician of the territory, and who shall receive as compensation such amount as his position is entitled to under the operation of chapter 3. There shall also be appointed by the board of health a secretary of the division and such other professional and non-professional assistants to the director as the board of health shall deem necessary and for which appropriations are available. [L. 1951, c. 42, pt. of s. 1.]

Sec. 2958. Functions of the division. The powers, duties and functions of the division shall be, in accordance with rules promulgated by the board of health, as follows:

(1) To supervise and coordinate the activities of the board of health in the fields of preventive medicine, including the activities of the bureau of cancer control, the bureau of crippled children, the bureau of epidemiology, the bureau of geriatrics, the bureau of laboratories, the bureau of maternal and child health, the bureau of mental hygiene, the bureau of nutrition, the bureau of tuberculosis and the bureau of venereal diseases;

(2) To formulate and put into effect throughout the territory an educational program for the purposes of preventing disease and alleviating old age;

(3) To engage in the collection and analysis of statistical information pertinent to any of its activities;

(4) To cooperate with and propose methods and programs to other governmental agencies relating to the fields of preventive medicine; and

(5) To perform such other appropriate functions as may be assigned to it from time to time by the board of health." [L. 1951, c. 42, pt. of s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 5, 1951.) H.B. 437, Act 42.

Chapter 57. RADIUM.

§ 3001. Purchase of radium or other radioactive substances. AM. L. 1949, Act 20 [A-90].

Chapter 59. VETERINARY MEDICINE, SURGERY AND DENTISTRY.

§§ 3071-79. Veterinary medicine. Chapter rewritten, L. 1949, Act 280 [A-91].

Chapter 59.01. PUBLIC HEALTH STATISTICS.

§§ 3100.01-.33. Public health statistics. NEW, L. 1949, Act 327 [A-92].

Series A-64: ACT 92

An Act Amending the "Territorial Public Health Statistics Act", Enacted By Act 327 of the Session Laws of Hawaii 1949.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 2 of the "Territorial Public Health Statistics Act" enacted by Act 327 of the Session Laws of Hawaii 1949, and being section 3100.02* of the Revised Laws of Hawaii 1945, is hereby amended by amending subparagraphs (a), (b) and (c) thereof, respectively, to read as follows:

"(a) 'Public health statistics' includes the registration, preparation, transcription, collection, compilation, and preservation of data pertaining to births, adoptions, legitimations, deaths, fetal deaths, morbidity, marital status, and data incidental thereto."

"(b) Live birth is the complete expulsion or extraction from its mother of a product of conception that did, after complete expulsion or extraction from the mother, breathe

or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or movement of voluntary muscle, whether or not the umbilical cord was cut or the placenta attached."

"(c) Fetal death is death prior to the complete expulsion or extraction from its mother of a product of conception, irrespective of the duration of pregnancy, that did not, after complete separation from the mother, breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or movement of voluntary muscle."

Section 2. Section 12 of the "Territorial Public Health Statistics Act", being **section 3100.12*** of the Revised Laws of Hawaii 1945, is hereby amended by deleting the word "stillbirths" wherever the same appears therein and substituting therefor the words "fetal deaths".

Section 3. Section 13 of the "Territorial Public Health Statistics Act", being **section 3100.13*** of the Revised Laws of Hawaii 1945, is hereby amended by deleting therefrom the word "stillbirth" wherever the same appears therein, and substituting therefor the words "fetal death".

Section 4. Section 27 of the "Territorial Public Health Statistics Act", being **section 3100.27** of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"(Sec. 3100.27). Section 27. Permit for removal, burial or other disposition of body. When a death or fetal death occurs or a dead body is found, the body shall not be disposed of or removed from the registration district until a permit has been issued by the local registrar, except that if the dead fetus is less than sixteen (16) weeks of gestation, no permit shall be required." [L. 1949, c. 327, s. 27; am. L. 1951, c. 92, s. 4.]

Section 5. Sections 28 and 29 of the "Territorial Public Health Statistics Act", being **sections 3100.28*** and **3100.29*** of the Revised Laws of Hawaii 1945, are hereby amended by deleting therefrom the word "stillbirth" wherever the same appears therein, and substituting therefor the words "fetal death".

Section 6. This Act shall take effect upon its approval.

(Approved May 18, 1951.) **S.B. 100, Act 92.**

* § 3100.02, as so amended, reads:

Sec. 3100.02. Definitions of terms. As used in this Act, unless the context otherwise indicates—

(a) "Public health statistics" includes the registration, preparation, transcription, collection, compilation and preservation of data pertaining to births, adoptions, legitimations, deaths, fetal deaths, morbidity, marital status, and data incidental thereto.

(b) "Live birth" is the complete expulsion or extraction from its mother of a product of conception that did, after complete expulsion or extraction from the mother, breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or movement of voluntary muscle, whether or not the umbilical cord was cut or the placenta attached.

(c) "Fetal death" is death prior to the complete expulsion or extraction from its mother of a product of conception, irrespective of the duration of pregnancy, that did not, after complete separation from the mother, breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or movement of voluntary muscle.

(d) "Dead body" means lifeless human body, or such parts of the human body, or the bones thereof, from the state of which it reasonably may be concluded that death recently occurred.

(e) "Person in charge of interment" means any person who places, or causes to be placed, a stillborn child, or dead body, or ashes, after cremation, in a grave, vault, urn, or other receptacle, or otherwise disposes thereof.

(f) "Physician" means a person legally authorized to practice medicine, osteopathy, and/or the science of naturopathy in the Territory of Hawaii. [L. 1949, c. 327, s. 2; am. L. 1951, c. 92, s. 1.]

* § 3100.12, as so amended, reads:

Sec. 3100.12. Compulsory registration of deaths and fetal deaths. A certificate of every death or fetal death shall be filed with the local registrar of the district in which the death or fetal death occurred, within 3 days after the death or fetal death occurred, or if the place of death or fetal death is not known, then with the local registrar of the district in which the body is found within 24 hours thereafter. In every instance, a certificate shall be filed prior to interment or other disposition of the body. [L. 1949, c. 327, s. 12; am. L. 1951, c. 92, s. 2.]

* § 3100.13, as so amended, reads:

Sec. 3100.13. Filing and preparation of death and fetal death certificates.

(1) The person in charge of interment shall file with the local registrar of the district in which the death or fetal death occurred, or a dead body was found, a certificate of death or fetal death within 3 days after the occurrence.

In preparing a certificate of death or fetal death the person in charge of interment shall

(a) obtain and enter on the certificate the personal data required by the board from the person best qualified to supply them;

(b) present the certificate of death to the physician last in attendance upon the deceased, or to the coroner, or medical examiner having jurisdiction, who shall thereupon certify the cause of death to his best knowledge and belief; present the certificate of fetal death to the physician, midwife, or other person in attendance at the fetal death, who shall certify the fetal death and such medical data pertaining thereto as he can furnish;

(c) notify immediately the appropriate local registrar, if the death occurred without medical attendance, or if the physician last in attendance fails to sign the death certificate. In such event the local registrar shall inform the local health officer, and refer the case to him for immediate investigation and certification of the cause of death prior to issuing a permit for burial, or other disposition of the body. When the local health officer is not a physician or when there is no such officer, the local registrar may complete the certificate on the basis of information received from relatives of the deceased or others having knowledge of the facts.

If the circumstances of the case suggest that the death or fetal death was caused by other than natural causes, the local registrar shall refer the case to the coroner for investigation and certification. [L. 1949, c. 327, s. 13; am. L. 1951, c. 92, s. 3.]

§ 3100.18. Fees for certified copies and searches; etc. AM. Sp. L. 1949, Act 34 [A-13].

* § 3100.28, as so amended, reads:

§ 3100.28. **Foreign permit for removal, burial, or other disposition of body.** When the death or fetal death occurs outside this Territory and the body is accompanied by a permit for burial, removal, or other disposition issued in accordance with the law and regulations in force where the death or fetal death occurred, such permit shall authorize the transportation of the body into or through this Territory, but before the burial, cremation, or other disposal of the body within this Territory, the permit shall be endorsed by the local registrar who shall keep a record thereof. [L. 1949, c. 327, s. 28; am. L. 1951, c. 92, pt. of s. 5.]

* § 3100.29. **Prerequisite for permit.** No permit under section 27 shall be issued until a certificate of death or fetal death, as far as it can be completed under the circumstances of the case, has been filed and until all the regulations of the board in respect to the issuance of such permit have been complied with. [L. 1949, c. 327, s. 29; am. L. 1951, c. 92, pt. of s. 5.]

Series A-65: ACT 62

An Act Amending Act 327 of the Session Laws of Hawaii 1949, Requiring the Furnishing of Statistics in Connection with Divorces and Annulments of Marriage and the Filing Thereof in the Bureau of Vital Statistics.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Act 327 (Series A-92) of the Session Laws of Hawaii 1949 is hereby amended by adding thereto a new section, to be numbered section 31-A, and to read as follows:

[Sec. 3100.32-A.] **"Sec. 31-A. Registration of divorces and annulments.** Before any decree of divorce or annulment of

marriage is signed, the person applying therefor shall prepare a certificate, on a form to be approved by the board, and file the same with the clerk of the court. The same shall contain such items of information as are recommended by the National Office of Vital Statistics and approved by the board. Within ten days after the final decree of divorce or annulment of marriage is granted, the clerk of the court shall endorse upon the certificate the date of the decree and shall forward the certificate to the registrar general." [L. 1951, c. 62, s. 1.]

Section 2. This Act shall take effect July 1, 1951.

(Approved May 10, 1951.) H.B. 545, Act 62.

§§ 3101-3128. Rep. L. 1949, Act 327 [A-92].

Title 7: HOUSING.

Chapter 61. HAWAII HOUSING AUTHORITY.*

Series A-66: ACT 134*

An Act to Amend Chapter 61 of the Revised Laws of Hawaii 1945, as Amended, Relating to the Hawaii Housing Authority, by Amending Sections 3503, 3507, 3515, 3530, 3532, 3536 and 3537 Thereof and by Repealing Sections 3533, 3534 and 3535 Thereof.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 61 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended in the following respects:

(1) By amending the first paragraph of section 3503 of said chapter 61 to read as follows:

"Sec. 3503. Same. 'Housing project' or 'project' shall include all real and personal property, buildings and improvements, stores, offices, lands for farming and gardening, and community facilities acquired or constructed or to be acquired or constructed pursuant to a single plan or undertaking: (a) to demolish, clear, remove, alter or repair unsanitary or unsafe housing, or (b) to provide safe and sanitary dwelling accommodations for persons of low income, or (c) to do both. The term 'housing project' or 'project' may also be applied to the planning of the buildings

* See note following this Act.

and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration and repair of the improvements and all other work in connection therewith; and the term shall include all other real and personal property and all tangible or intangible assets held or used in connection with the housing project."

(2) By amending section 3507 of said chapter 61 to read as follows:

"Sec. 3507. Interested commissioners, officers or employees. No commissioner, officer or employee of the authority shall voluntarily acquire any interest, direct or indirect, in any project or in any property included or planned to be included in any project, or in any contract or proposed contract relating to any project. Also, if any such commissioner, officer or employee involuntarily acquires any such interest, or voluntarily or involuntarily acquired any such interest prior to appointment or employment as a commissioner, officer or employee, then, in any such event, the commissioner, officer or employee shall immediately disclose his interest in writing to the authority and such disclosure shall be entered upon the minutes of the authority, and the commissioner, officer or employee shall not participate in any action by the authority relating to the property or contract in which he has any such interest. Violation of any of the foregoing provisions of this section shall constitute, in case of a commissioner or officer, misconduct in office or, in case of an employee, cause for dismissal. This section shall not be applicable to the acquisition of any interest in notes or bonds of the authority issued in connection with any project, or to the execution of agreements by banking institutions for the deposit or handling of funds in connection with a project or to act as trustee under any trust indenture." [L. 1935, c. 190, s. 5; R. L. 1945, s. 3507; am. L. 1951, c. 134, s. 1(2).]

(3) By amending section 3515 of said chapter 61 to read as follows:

"Sec. 3515. Additional powers. The authority, in addition to its other powers, shall have power, notwithstanding anything to the contrary contained in this chapter or in any other provision of law:

(a) to agree to any conditions attached to federal financial assistance relating to the determination of prevailing salaries

or wages or payment of not less than prevailing salaries or wages or compliance with labor standards, in the development or administration of projects, and to include in any construction contract let in connection with a project, stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum salaries or wages and maximum hours of labor, and comply with any conditions which the federal government may have attached to its financial aid of the project;

(b) to procure or agree to the procurement of insurance or guarantees from a government of the payment of any debts or parts thereof incurred by the authority including the power to pay premiums on any such insurance;

(c) to purchase its bonds at a price not more than the principal amount thereof and accrued interest, all bonds so purchased to be cancelled." [L. 1937, c. 179, pt. of s. 3; R. L. 1945, s. 3515; am. L. 1951, c. 134, s. 1(3).]

(4) By amending section 3530 of said chapter 61 to read as follows:

"Sec. 3530. Housing bonds as legal investments. The territory and all of its public officers, municipal corporations, political subdivisions, and public bodies, all banks, bankers, trust companies, savings banks and institutions, including savings and loan associations, all investment companies, insurance companies, insurance associations and other persons carrying on an insurance business in the territory, and all executors, administrators, guardians, trustees and other fiduciaries in the territory may legally invest any moneys or funds belonging to them or within their control and available for investment under other provisions of law, in any bonds or other obligations issued by the authority, or in any bonds or other obligations issued by any public housing authority or agency in the United States when the bonds or other obligations of such public housing authority or agency are secured by a pledge of annual contributions or other financial assistance to be paid by the federal government or any agency thereof, and such bonds and other obligations of the authority and such bonds and other obligations of any such public housing authority or agency shall be authorized security for all public deposits and shall be fully negotiable in the territory; it being the purpose of this section to authorize any of the foregoing to use any funds owned or controlled by them, including (but not limited to) sinking, insurance, investment, retirement, compensation, pension and trust funds, and funds held on deposit, for the purchase of

any such bonds or other obligations; **provided**, however, that nothing contained in this section shall operate to relieve any person, firm or corporation from liability for failure to exercise reasonable care in selecting investments or, in the case of a guardian or trustee, from liability for failure to exercise the judgment and care and to observe the duties required of a guardian or trustee by sections 8661 and 12576." [L. 1935, c. 190, s. 19; am. L. 1939, c. 91, s. 1; R. L. 1945, s. 3530; am. L. 1951, c. 134, s. 1(4).]

(5) By amending section 3532 of said chapter 61 to read as follows:

"Sec. 3532. Rentals and tenant selection. In the operation or management of housing projects the authority (acting directly or by an agent or agents) shall at all times observe the following duties with respect to rentals and tenant selections:

(a) It shall not accept any person as a tenant in any housing project if the person or persons who would occupy the dwelling accommodations have, at the time of admission, an aggregate annual net income, less an exemption of \$100 for each minor member of the family other than the head of the family and his spouse, in excess of five times the annual rental of the quarters to be furnished such person or persons; in computing the rental for the purpose of selecting tenants, there shall be included in the rental the average annual cost (as determined by the authority) to occupants of heat, water, electricity, gas, cooking range and other necessary services or facilities, whether or not the charge for such services and facilities is in fact included in the rental; **provided**, that the authority may agree to conditions as to tenant eligibility or preference required by the federal government pursuant to federal law in any contract for financial assistance with the authority;

(b) It may rent or lease the dwelling accommodations therein only at rentals within the financial reach of persons who lack the amount of income which it determines to be necessary in order to obtain safe, sanitary and uncongested dwelling accommodations within the area of operation of the authority and to provide an adequate standard of living;

(c) It may rent or lease to a tenant a dwelling consisting of the number of rooms (but no greater number) which it deems necessary to provide safe and sanitary accommodations to the proposed occupants thereof, without overcrowding.

Nothing contained in this chapter shall be construed as limiting the power of the authority: (a) to vest in an obligee the right, in the event of a default by the authority, to take possession of a housing project or cause the appointment of a receiver thereof, free from all the restrictions imposed by this chapter with respect to rentals, tenant selection, manner of operation, or otherwise; or (b) to vest in obligees the right, in the event of a default by the authority, to acquire title to a housing project or the property mortgaged by the housing authority, free from all the restrictions imposed by this chapter, except those imposed by section 3529." [L. 1937, c. 179, pt. of s. 3; am. L. 1939, c. 91, s. 3; R. L. 1945, s. 3532; am. L. 1947, J. R. 4; am. L. 1951, c. 134, s. 1(5).]

(6) By amending section 3536 of said chapter 61 to read as follows:

"Sec. 3536. Powers with respect to rural housing. In undertaking the provision of housing for families of low income in rural areas the authority may comply with any conditions not inconsistent with the purposes of this chapter required by the federal government pursuant to federal law in any contract for financial assistance with the authority concerning such undertakings." [L. 1945, c. 200, s. 2; am. L. 1951, c. 134, s. 1(6).]

(7) By amending section 3537 of said chapter 61 to read as follows:

"Sec. 3537. Agreements to secure federal contributions. In addition to the powers conferred upon the authority by other provisions of this chapter, the authority in any contract for annual contributions with the federal government may obligate itself (which obligation shall be specifically enforceable and shall not constitute a mortgage, notwithstanding any other laws) to convey to the federal government possession of or title to the project to which such contract relates, upon the occurrence of a substantial default (as defined in such contract) with respect to the covenants or conditions to which the authority is subject; such contract may provide further that in case of such conveyance, the federal government may complete, operate, manage, lease, convey or otherwise deal with the project in accordance with the terms of such contract; **provided**, that the contract requires that, as soon as practicable after the federal government is satisfied that all defaults with respect to the project have been cured and that the project will thereafter

be operated in accordance with the terms of the contract, the federal government shall reconvey to the authority the project as then constituted." [L. 1945, c. 200, s. 2; am. L. 1951, c. 134, s. 1(7).]

(8) By repealing sections 3533, 3534, and 3535 of said chapter 61.

Section 2. The provisions of this Act are declared to be severable, and if any portion of this Act, or if the application of this Act or any portion thereof to any person, circumstance or property, is held invalid for any reason, the validity of the remainder of this Act, or the application of this Act or of such portion thereof to other persons, circumstances or property, shall not be affected.

Section 3. This Act shall take effect upon its approval.

(Approved May 21, 1951.) H.B. 825, Act 134.

§ 3505. Housing authority to be public corporation; commissioners. Am. L. 1949, Act 302 [A-93].

§ 3509. Powers. Am. L. 1947, J. R. 4. See also L. 1949, Act 268 [B-166], Act 281 [B-167] reciprocal rights, duties, exchange of services with counties.

§§ 3520.01-.02. Contracts; bonds. NEW, L. 1949, Act 229 [A-94].

§ 3522. Exemption of property from execution sale. Am. L. 1949, Act 229 [A-94], rewritten p. 202.

§ 3524. Bonds. AM. L. 1945, Act 200 [A-58].

§ 3530. Housing bonds as legal investments. AM. L. 1951, Act 134 [A-66], supra.

§ 3532. Rentals, etc. Am. L. 1947, J. R. 4; AM. L. 1951, Act 134 [A-66].

§§ 3532.01-.04. Housing, eviction. NEW, L. 1949, Act 384 [A-95].

§§ 3533-35. Repealed, L. 1951, Act 134 [A-66], supra.

§§ 3536-37. AM. L. 1951, Act 134 [A-66], supra.

§§ 3536-38. Rural housing, etc. NEW, L. 1945, Act 200 [A-58].

§§ 3539.01-.08. Housing authority, lien on personalty. NEW, L. 1949, Act 220 [A-96].

§§ 3540.01-.06. Housing authority, liens. NEW, L. 1949, Act 128 [A-97].

§§ 3541.01-.11. Housing authority, revenue bonds. NEW, L. 1949, Act 338 [A-98].

Chapter 63. GOVERNMENT AID FOR HOUSING
PROJECTS.

Series A-67: ACT 122

An Act to Amend Section 3651 of the Revised
Laws of Hawaii 1945, Relating to Government Aid for
Housing Projects.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 3651 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto, immediately before the last paragraph thereof, a new paragraph to read as follows:

"If at any time title to, or possession of, any housing project is held by any public body or governmental agency authorized by law to engage in the development or administration of low-rent housing or slum clearance projects, including any agency or instrumentality of the United States of America, the provisions of any agreement made under this chapter relating to such project shall inure to the benefit of and may be enforced by such public body or governmental agency."

Section 2. This Act shall take effect upon its approval.

(Approved May 19, 1951.) H.B. 819, Act 122.

Title 8: INSTITUTIONS.

Chapter 67. INDUSTRIAL SCHOOLS.

Series A-68: ACT 212

An Act Amending Section 3842 of the Revised Laws of Hawaii 1945, Relating to Industrial and Reformatory Schools.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 3842* of the Revised Laws of Hawaii 1945, is hereby amended by adding a new sentence thereto to read as follows:

"The director is authorized to consolidate the administration of all industrial and reformatory schools under one administrative officer who shall have the title of 'superintendent of training schools'. Upon approval of the di-

rector of institutions, said superintendent of training schools shall have authority to make transfers between training schools of personnel, funds, equipment and supplies and to consolidate and coordinate any or all functions of the training schools."

Section 2. One of the two superintendents of said training schools shall be retained as superintendent, and the other as assistant superintendent, of the consolidated administration of the two schools. The superintendent and the assistant superintendent of said consolidated administration shall each continue to fulfill his present duties as superintendent of the school of which he is now in charge as a part of his duties as superintendent or assistant superintendent of the consolidated administration of the two schools, except that the assistant superintendent shall be subject to the authority and direction of the superintendent.

Section 3. This Act shall take effect upon its approval.

(Approved May 28, 1951.) S.B. 534, Act 212.

* § 3842, as so amended, reads:

Sec. 3842. Establishment and supervision of industrial and reformatory schools. It shall be lawful for the director to institute and establish industrial and reformatory schools in any part of the Territory when the same shall be deemed necessary and when funds shall be available by legislative appropriation for that object. All such schools shall be conducted under the direction and supervision of the director who shall have the entire management and control of all public industrial and reformatory schools in the Territory and like management and control of all places of detention which may be used in connection with any of such schools. The director is authorized to consolidate the administration of all industrial and reformatory schools under one administrative officer who shall have the title of "superintendent of training schools". Upon approval of the director of institutions, said superintendent of training schools shall have authority to make transfers between training schools of personnel, funds, equipment and supplies and to consolidate and coordinate any or all functions of the training schools. [L. 1870, c. 41, s. 3; am. L. 1915, c. 81, ss. 5, 6; R. L. 1925, s. 356; R. L. 1935, s. 4574; am. L. 1939, c. 203, pt. of s. 5; R. L. 1945, s. 3842; am. L. 1951, c. 212, s. 1.]

Series A-69: ACT 54

An Act Amending Chapter 67 of the Revised Laws of Hawaii 1945 Relating to Industrial and Reformatory Schools.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 67 of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(a) By amending section 3843 thereof by amending the first paragraph thereof to read as follows:

"Sec. 3843. Names of schools. The schools for boys and for girls at Kawaihoa, district of Koolaupoko, city and county of Honolulu, are to be known respectively, as the Koolau Boys' Home and the Kawaihoa Girls' Home;" [L. 1929, c. 186, s. 1; am. L. 1931, c. 108, s. 1; R. L. 1935, s. 4575; R. L. 1945, s. 3843; am. L. 1951, c. 54, s. 1(a).]

(b) By adding a new section thereto to be numbered section 3843.01 to read as follows:

"Sec. 3843.01. Forestry Camp. The camp located on the slopes of Mauna Loa, Hawaii, is to be known as the Mauna Loa Forestry Camp." [L. 1951, c. 54, s. 1(b).]

Section 2. This Act shall take effect upon its approval.

(Approved May 10, 1951.) H.B. 799, Act 54.

§ 3860.01. Inactive accounts. NEW, L. 1945, Act '65 [A-59].

§ 3860.02. Claims against pupils. NEW, L. 1945, Act 137 [A-60].

Chapter 68. PRISONS, JAILS, ADMINISTRATION; PRISONERS.

Series A-70: ACT 105

An Act Relating to Jails and Places of Confinement in the County of Maui.

Be it Enacted by the Legislature of the Territory of Hawaii:

[Sec. 3905.01.] Section 1. [Maui county jail.] Any other law to the contrary notwithstanding, the county jail for the county of Maui shall be at Wailuku, Maui, and all persons sentenced to the county jail in the county of Maui shall be confined in the county jail at Wailuku, Maui. [L. 1951, c. 105, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 18, 1951.) H.B. 1063, Act 105.

Series A-71: ACT 113

An Act to Amend Section 3906 of the Revised Laws of Hawaii 1945, as Amended, Relating to the Duties of Jailors.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 3906 of the Revised Laws of Hawaii 1945 as amended by Act 44 (Series A-14) of the Special Session Laws 1949 is hereby further amended to read as follows:

"Sec. 3906. Jailors, appointment, etc. Except as may be otherwise provided by law, the respective chiefs of police of the counties, excepting the city and county of Honolulu and there the sheriff, shall appoint all jailors in their respective counties. Said officers of each county shall be responsible for the safekeeping of all prisoners and persons who may be confined in or committed to any county jail within his county, or who may be charged with the commission of a criminal offense pending trial or preliminary hearing." [C. C. 1859, s. 207; am. L. 1909, c. 102, s. 1; R. L. 1925, s. 1514; am. L. 1931, c. 125, s. 1; am. L. 1932, 1st, c. 17, s. 6; R. L. 1935, s. 6401; R. L. 1945, s. 3906; am. Sp. L. 1949, c. 44, s. 1; am. L. 1951, c. 113, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 19, 1951.) H.B. 524, Act 113.

§ 3928. Territorial prison camps. AM. L. 1949, Act 238 [A-99].

§ 3936. Compensation for labor by prisoners. AM. L. 1949, Act 148 [A-100].

§ 3950. Commutation of punishment, felons. AM. L. 1949, Act 332 [A-101].

§ 3960. Terms and conditions of parole. Am. L. 1949, Act 13 [A-102], rewritten p. 219.

§ 3963. Final discharge. Am. L. 1949, Act 2 [A-103], rewritten p. 220.

§§ 3968-71. Rep. L. 1947, Act 246 [A-38].

Chapter 69. TERRITORIAL HOSPITAL.

§ 4001. Definitions. Am. L. 1949, Act 337 [A-104], rewritten p. 231.

§ 4002. Hospital. Am. L. 1949, Act 337 [A-104], rewritten pp. 231-232.

§ 4003. Commitments and discharges under this chapter. Am. L. 1949, Act 337 [A-104], rewritten p. 232.

§ 4008. Custody of inmates, apprehension of escapees, etc. Am. L. 1949, Act 337 [A-104].

§ 4009. Director to visit hospital; report to governor. Am. L. 1949, Act 337 [A-104].

§ 4010. Special wards. Am. L. 1949, Act 337 [A-104].

§ 4011. Examination and treatment of patients. Am. L. 1949, Act 337 [A-104].

§ 4013. Inmates' liability for expense. Am. L. 1949, Act 337 [A-104].

§ 4013.01. Fund for improvements, etc. NEW, L. 1945, Act 201 [A-62].

COURT ORDERS FOR HOSPITALIZATION.

§ 4015. Court order for hospitalization; application for order; certificate. Am. L. 1949, Act 337 [A-104].

§ 4016. Service of notice. Am. L. 1949, Act 337 [A-104].

§ 4017. Determination of mental illness; order for hospitalization. Am. L. 1949, Act 337 [A-104].

§ 4018. Appeal from order of commitment. Am. L. 1949, Act 337 [A-104].

Series A-72: ACT 16

An Act to Amend Section 4019 of the Revised Laws of Hawaii 1945, as Amended, Relating to the Conveyance of Mentally Ill Persons to the Territorial Hospital.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 4019 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended to read as follows:

"Sec. 4019. Conveyance to hospital. The judge or magistrate by whom any mentally ill person is ordered to be hospitalized at the territorial hospital may appoint and order a proper person to convey such mentally ill person to the said hospital. If such mentally ill person is a woman, the person so appointed shall be her father, husband, brother, sister, daughter, or son or a woman of reputable character and mature age. The expense of conveying such mentally ill person to Honolulu from counties other than the city and county of Honolulu shall be borne by the county in which such judge or magistrate is sitting and the department of institutions shall convey such mentally ill person from the point of arrival in Honolulu to the hospital." [L. 1925, c. 114, s. 12; R. L. 1935, s. 1241; am. L. 1939, c. 203, pt. of s. 4; am. L. 1941, c. 278, s. 1; R. L. 1945, s. 4019; am. L. 1945, c. 222, s. 1; am. L. 1949, c. 337, s. 14; am. L. 1951, c. 16, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 1, 1951.) H.B. 780, Act 16.

**COUNTY MENTAL ILLNESS WARDS:
TEMPORARY HOSPITALIZATION.**

§ 4020. Reception at the hospital. Am. L. 1949, Act 337 [A-104].

§ 4021. County Mental illness wards. AM. L. 1949, Act 337 [A-104]; am. L. 1951, Act 219 [A-73], *infra*.

Series A-73: ACT 219

**An Act Relating to the Temporary Care and
Custody of Mentally Ill Persons and to the Procedure
With Respect to the Custody and Care of Such Persons.**

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 4021 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto at the end thereof an additional sentence reading as follows:

"So long as any county shall fail to provide and maintain, or to arrange for and designate, a temporary ward or wards in such county having the qualifications required by this section, then, until such designation shall be made, such person may be ordered to be, and may be temporarily, received and hospitalized in any hospital in such county duly licensed for the care of the mentally ill, and in such case, such licensed hospital shall be deemed, so far as concerns the temporary reception and hospitalization of such person, to be a 'county detention ward' within the meaning and for the purposes of this chapter." [L. 1925, c. 114, s. 9; R. L. 1935, s. 1238; am. L. 1939, c. 203, pt. of s. 4; R. L. 1945, s. 4021; am. L. 1949, c. 337, s. 17; am. L. 1951, c. 219, s. 1.]

Section 2. All laws or parts of laws inconsistent with this Act are amended to conform to this Act.

Section 3. This Act shall take effect upon its approval.

(Approved May 28, 1951.) S.B. 576, Act 219.

§ 4022. Hospitalization in county mental illness ward; order for temporary hospitalization therein. Am. L. 1949, Act 337 [A-104].

§ 4023. Emergency admission on incomplete court commitment. Am. L. 1949, Act 337 [A-104].

§ 4023.01. Temporary transfer of institutional inmates to territorial hospital. NEW, L. 1949, Act 50 [A-105].

HOSPITALIZATION OF VICTIMS OF DRUGS OR LIQUOR.

§ 4024. Persons habituated to excessive use of drugs or liquor. Am. L. 1949, Act 337 [A-104].

INSTITUTIONS

- § 4025. Order of commitment. Am. L. 1949, Act 337 [A-104].
- § 4026. Appeal from order for hospitalization. AM. L. 1949, Act 337 [A-104].
- § 4029. Hearing of appeals. Am. L. 1949, Act 337 [A-104].
- § 4030. Evidence and decision to be filed. Am. L. 1949, Act 337 [A-104].

HOSPITALIZATION WITHOUT COURT ORDER.

- § 4033. Admission of insane person on certificate of physician. Am. L. 1949, Act 337 [A-104].
- § 4034. Voluntary hospitalization. Am. L. 1949, Act 337 [A-104].
- § 4035. Further requirements for voluntary admission. Am. L. 1949, Act 337 [A-104].
- § 4036. Presumption. Am. L. 1949, Act 337 [A-104].

DISCHARGE.

- § 4038. By medical director. Am. L. 1949, Act 337 [A-104].
- § 4039. Appeal from the decision of the medical director. Am. L. 1949, Act 337 [A-104].
- § 4040. Transfer of certain persons to Waimano home. AM. L. 1949, Act 391 [A-106].
- § 4042. Guardian for insane patient. Am. L. 1949, Act 337 [A-104].

Chapter 70. WAIMANO HOME.

- § 4061. Waimano home. AM. L. 1949, Act 391 [A-106].
- § 4062. Home conducted by director of institutions. AM. L. 1949, Act 391 [A-106].
- § 4063. Same; rules and regulations. Am. L. 1949, Act 391 [A-106], rewritten p. 236.
- § 4065. Entitled to admission. AM. L. 1949, Act 391 [A-106].
- § 4066. Commitment of feeble-minded person; application for order; certificate; forms. Am. L. 1949, Act 391 [A-106].
- § 4068. Liability for expense of support of persons committed; inmates' liability. AM. L. 1945, Act 193 [A-65].
- § 4069. Admission without commitment. Am. L. 1949, Act 391 [A-106], rewritten p. 236.
- § 4069.01. Reception of certain persons from the territorial hospital. NEW, L. 1949, Act 391 [A-106].
- § 4070. Discharge. Am. L. 1949, Act 391 [A-106], rewritten p. 236.
- § 4071. Unlawful detention; appeals. AM. L. 1949, Act 391 [A-106].
- § 4075. Earnings of patients. Am. L. 1949, Act 391 [A-106].
- § 4077. Compensation for labor by patients of Waimano Home. NEW, L. 1947, Act 183 [A-60].

Title 9: LABOR.

Chapter 71. DEPARTMENT.

§ 4105. Bureaus within the department. Am. L. 1949, Act 76 [A-110].

Series A-74: ACT 23

An Act to Amend Section 4112 of the Revised Laws of Hawaii 1945, Relating to Duties and Powers of the Commission of Labor and Industrial Relations.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 4112** of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(1) By amending the fifth paragraph to read:

"The rules and regulations of the commission and any amendments thereto, when approved by the governor and promulgated and filed in accordance with sections 466 to 476, inclusive, shall have the force and effect of law and shall be enforced in the same manner as the provisions of this chapter."

(2) By repealing the sixth and seventh paragraphs.

Section 2. This Act shall take effect on July 1, 1951.

(Approved May 4, 1951.) S.B. 60, Act 23.

§ 4114. Duties and powers of director. Am. L. 1949, Act 102 [A-107].

Series A-75: ACT 19

An Act Relating to Child Labor, and to Amend Section 4121 of the Revised Laws of Hawaii 1945.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 4121*** of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto a new paragraph, to be lettered (g) and to read:

"(g) The commission shall have the power to make rules and regulations allowing minors under fourteen years of age to be employed or permitted to work as dancers, singers, musicians, entertainers, motion picture or theatrical performers, under such circumstances and conditions as the

*For § 4121 preceding this amendment, see L. 1947, pp. 131-32, and L. 1949, Act 104 [A-108].

commission may prescribe, provided such work is performed when such minors are not legally required to attend school."

Section 2. This Act shall take effect on July 1, 1951.

(Approved May 2, 1951.) H.B. 481, Act 19.

§ 4122. Rep. L. 1945, Act 9 [A-66].

Chapter 72. APPRENTICESHIP.

§ 4146. Apprentice agreements. AM. L. 1945, Act 22 [A-67].

§ 4148. Ter.-Fed. cooperation. NEW, L. 1945, Act 22 [A-67].

Chapter 72 A. HAWAII EMPLOYMENT RELATIONS ACT.

§§ 4150.01-20. Employment Relations Act. NEW, L. 1945, Act 250 [A-68].

Series A-76: ACT 249

An Act to Amend the Hawaii Employment Relations Act as Enacted by Act 250 of the Session Laws of Hawaii 1945.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 4 [Sec. 4150.04.] of Act 250 [Series A-68.] of the Session Laws of Hawaii 1945 is hereby amended by deleting the period which appears after the word "applicable" at the end of the first sentence of the second paragraph of the said section and substituting therefor a semicolon and by adding thereto after the said semicolon the following:

"provided, in the event the board determines that the performance of its functions does not require the services of a person in any of the said positions on a permanent basis, then the board may employ and fix the compensation of a person to fill any of the said positions from time to time on either a part time or a temporary basis without regard to chapters 2 and 3 of the Revised Laws of Hawaii 1945."

Section 2. Section 5 of said Act 250 is hereby amended to read as follows:

[Sec. 4150.05.] "Section 5. Conciliator. In the event the board receives information that a labor dispute exists and de-

termines that the dispute is within its jurisdiction and that the possibility of settlement and termination of the dispute may be increased by conciliation, the board shall so notify the governor.

Upon receipt of such notice, the governor shall appoint, as conciliator with respect to the dispute, a person who is well known in the community as being impartial to both labor and industry, and shall so notify the board. The position of conciliator shall not be subject to chapter 2, but the compensation thereof shall be determined pursuant to chapter 3, of the Revised Laws of Hawaii 1945, as amended from time to time.

Upon receipt of notice of the appointment of a conciliator, the board shall forthwith refer the dispute to the conciliator. He shall use his best efforts to terminate the dispute by conciliation within the ten days immediately succeeding the reference of the dispute to him or within such additional time, not to exceed ten days, as is agreed upon by all parties to the dispute. If, within the said ten days, or the said additional time, if any, he succeeds in terminating the dispute by conciliation, he shall immediately certify such fact to the board and his appointment shall then end. If, within the said ten days, or the said additional time, if any, he fails to terminate the dispute by conciliation, he shall immediately certify such fact to the board and his appointment shall then end. Upon the termination of the appointment of the conciliator, the board shall so notify the governor." [L. 1945, c. 250, s. 5; am. L. 1951, c. 249, s. 2.]

Section 3. Section 9 [Sec. 4150.09.] of said Act 250 is hereby amended by deleting the first five sentences of subsection (2) of the said section, which sentences begin with the word "Upon" and end with the word "hearing", and by substituting therefor the following:

"Any party in interest may file with the board a written complaint, on a form provided by the board, charging any person with having engaged in any specific unfair labor practice. The board shall serve a copy of the complaint upon the person charged, hereinafter referred to as the respondent. If the board has reasonable cause to believe that the respondent is a member of or represented by a labor union, then service upon an officer of such union shall be deemed to be service upon the respondent. Service may be by delivery to the person, or by mail, or by telegram. Any other person claiming interest in the dispute or controversy, as an employer, an employee, or their representative, shall be made a party upon proof of such

interest. The board may bring in additional parties by service of a copy of the complaint. Only one complaint shall issue against a person with respect to a single controversy, but any complaint may be amended in the discretion of the board at any time prior to the issuance of a final order based thereon. The respondent may file an answer to the original or amended complaint but the board may find to be true any allegation in the complaint in the event either no answer is filed or the answer neither specifically denies nor explains such allegation nor states that the respondent is without knowledge concerning such allegation. The respondent shall have the right to appear in person or otherwise give testimony at the place and time fixed in the notice of hearing. The hearing on the complaint shall be before either the board or an examiner of the board, as the board may determine."

Section 4. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 29, 1951.) S.B. 531, Act 249.

Chapter 72 B. EMIGRANT AGENTS.

Series A-77: ACT 106

An Act Adding to the Revised Laws of Hawaii 1945 a New Chapter Providing for the Licensing and Regulation of Emigrant Agents, Prescribing Penalties for Violations Thereof or of Regulations Promulgated Thereunder, and Repealing Sections 7054 to and Including 7062 of Said Revised Laws.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. A new chapter is hereby enacted and added to the Revised Laws of Hawaii 1945, to be appropriately numbered pursuant to section 2 of said Revised Laws and Joint Resolution No. 4 of the Session Laws of Hawaii 1945, and to read as follows:

"Chapter 72 B. EMIGRANT AGENTS.

[Sec. 4155.01.] Sec. 1. **Definition; exemptions.** Any person engaged in soliciting, inducing, procuring or hiring workers to go beyond the limits of the territory, for the purpose of seeking or accepting employment, shall be deemed an emigrant

agent within the meaning of this chapter. This chapter shall not apply (a) to any agency of the government of the United States or of any state or territory of the United States engaging in such activities pursuant to any law of such government; or (b) to a person soliciting, inducing, procuring or hiring a worker as an isolated transaction or engaging in such activities under circumstances beyond the police powers of the territory; or (c) to an officer or agent of any bona fide labor organization performing duties and responsibilities under the terms of a collective bargaining agreement. [L. 1951, c. 106, pt. of s. 1.]

[Sec. 4155.02.] Sec. 2. **Conditions of license.** Except as exempted by this chapter, no person shall engage in business as an emigrant agent without first obtaining a license, from the director of labor and industrial relations, hereinafter called the 'director'. No such license shall be issued until the applicant therefor shall have complied with the following conditions:

(a) Applicant shall file with the director a sworn statement setting forth the name and address of applicant; the name and address of each person employing applicant, if any; the place to which it is proposed that the workers shall be sent or taken; and such other information as may be prescribed by regulations of the commission of labor and industrial relations (hereinafter called the 'commission') relating to the nature, terms and conditions of the employment or inducements to be offered workers to be recruited and to any other matters bearing upon the character, reliability, responsibility and good faith of the applicant or of each employer of the applicant or reasonably deemed necessary by the director to prevent fraud or imposition upon workers to be recruited.

(b) Applicant shall execute and file with the director upon forms prescribed by him, a written designation appointing the director as agent of applicant upon which legal notice and process to or against applicant from the courts of the territory may be served in case the applicant cannot be found in the territory by a serving officer after due and diligent search, which designation shall also give the name and address of the person to whom notice shall be given by the director in case of service upon him of any such notice or process against applicant. It shall be the duty of the director, when so served with notice or process against such applicant, promptly to deliver, or forward by regular mail to addresses on Oahu or by air mail to any other address,

the same or a true copy thereof to the applicant or the person at the address stated in such designation, and such delivery or forwarding shall be deemed to be due service upon the applicant. Before entering any default in any case where service of notice or process has been made upon the director, the court shall give due consideration to the reasonableness of the time elapsed since the mailing of such notice or process by the director in the light of the distance involved and other circumstances. Such designation shall be effective for one year after the termination or expiration of such license, unless sooner terminated in accordance with the regulations of the commission.

(c) Each applicant shall file a bond in the amount of five thousand dollars, running to the director and his successors in office conditioned that applicant will in all respects comply with the provisions of this chapter and the regulations of the commission promulgated thereunder; will pay any expenses reasonably incurred by the director in delivering or mailing notice or process to applicant or applicant's designated agent; will perform or cause to be performed any contracts or commitments which may be made by applicant to or with any worker recruited by applicant; and, in case final judgment is rendered against applicant in any suit upon such bond, will pay the costs of court and reasonable attorney fees to the successful claimants.

(d) Where two or more emigrant agents are employed by the same employer, they may file application to be, and may be, licensed jointly. In such case, they may be permitted to file a joint bond in the amount of five thousand dollars.

(e) The director may refuse to issue such license to any applicant where he finds that such applicant has been convicted of a felony or of a misdemeanor involving moral turpitude and has not been pardoned, or is a person whose past conduct and moral character are such as to justify a reasonable belief that applicant will not deal honestly with workers recruited or attempted to be recruited by such agent, or that the applicant intends to, or is employed by others with intent to, impose upon or defraud workers to be recruited by such applicant. Any applicant aggrieved by any decision of the director refusing to issue such license shall be entitled to a review of such decision in the manner provided by section 10 of this chapter. [L. 1951, c. 106, pt. of s. 1.]

[Sec. 4155.03.] **Sec. 3. License; term; renewal.** Each license shall be issued for a term not to exceed one year, but a license may be renewed by the director under such regulations as may be prescribed by the commission not inconsistent with this chapter, for successive terms of not to exceed one year each. [L. 1951, c. 106, pt. of s. 1.]

[Sec. 4155.04.] **Sec. 4. Reports by emigrant agents.** Every emigrant agent shall file with the director such report or reports relative to such emigrant agent's activities, in such form, and at such times, as shall be required by and pursuant to the regulations of the commission. [L. 1951, c. 106, pt. of s. 1.]

[Sec. 4155.05.] **Sec. 5. Recruiting minors.** No emigrant agent shall recruit and take away from the territory any minor unless the director shall have approved the nature, terms and conditions of the employment offered to such minor, and, in all cases where the minor has a parent or guardian, unless the agent shall have obtained the written consent of such parent or guardian. [L. 1951, c. 106, pt. of s. 1.]

[Sec. 4155.06.] **Sec. 6. Bonds approved by director.** Any bonds given or required under this chapter shall be subject to approval, both as to form and sufficiency of sureties, by the director. The provisions of section 497 of the Revised Laws of Hawaii 1945 shall be applicable to such bonds. For the purpose of inquiring into the sufficiency of such sureties, the director is authorized to administer oaths and to examine under oath persons offering themselves as such sureties. [L. 1951, c. 106, pt. of s. 1.]

[Sec. 4155.07.] **Sec. 7. Breach of bond.** In case of any breach of condition of any bond given under this chapter, the director may enforce such bond by appropriate proceedings in any court of competent jurisdiction for the use and benefit of the territory or any person believed by him to have been injured by such breach. Any person injured by such breach may, if the director declines to bring such suit, sue on such bond in his own name. In case more than one claimant sues upon said bond, all claimants shall file their claims in the first action on such bond so filed, and all claimants shall share pro rata in any recovery on such bond. No such claim shall be filed on any such bond after the expiration of two years from the expiration of the license for which such bond was given. [L. 1951, c. 106, pt. of s. 1.]

[Sec. 4155.08.] **Sec. 8. Penalty for violations.** Any person who shall engage in business as an emigrant agent without first

obtaining a license as in this chapter provided, or who shall violate any provisions of this chapter or of any regulations promulgated pursuant to this chapter, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding one thousand dollars or by imprisonment for not more than one year, or by both fine and imprisonment. [L. 1951, c. 106, pt. of s. 1.]

[Sec. 4155.09.] Sec. 9. **Cancellation or suspension of license; appeals.** Whenever the director has reason to believe that any emigrant agent is violating the provisions of this chapter or of any regulations promulgated under this chapter, or has obtained a license under this chapter by fraudulent representations, or has perpetrated, or is acting in a manner calculated to perpetrate, any fraud or imposition upon any laborer recruited or attempted to be recruited by such agent, or has otherwise acted in a manner rendering such agent's license subject to cancellation or suspension, the director may immediately suspend such license and shall hold a hearing within forty-eight hours, or such additional reasonable time as may be allowed by the director, at which hearing the agent shall be afforded an opportunity to be heard, and, upon completion of such hearing, may make such order removing such suspension, or suspending or cancelling such license, as the law and the facts may justify. Any person aggrieved by such order shall be entitled to a review thereof and a hearing de novo by the first circuit court of the Territory of Hawaii in the manner provided for review of rent control appeals by section 9658 of the Revised Laws of Hawaii 1945, which section shall apply to appeals under this section *mutatis mutandis*. [L. 1951, c. 106, pt. of s. 1.]

[Sec. 4155.10.] Sec. 10. **Chapter 71 applicable.** The provisions of chapter 71 of the Revised Laws of Hawaii 1945, not inconsistent with this chapter and not inapplicable to the matters covered by this chapter, relating to the powers and duties of the director or of the commission, shall apply to the matters covered by this chapter, and to the director and the commission in respect of such matters, *mutatis mutandis*." [L. 1951, c. 106, pt. of s. 1.]

Section 2. Sections 7054 to and including 7062 of the Revised Laws of Hawaii 1945 are hereby repealed; provided that such repeal shall not affect any rights or liabilities accrued under said sections prior to such repeal, but all such rights and liabilities may be enforced in the same manner and with the same results as if this Act had not been enacted.

Section 3. If this Act, or any portion thereof, as applied to any person or circumstances, shall be held unconstitutional or invalid, the remainder of this Act, or the application of this Act or such portion thereof to other persons or circumstances, shall not be affected.

Section 4. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 18, 1951.) **H.B. 1094, Act 106.**

Chapter 73. LABOR DISPUTES, PUBLIC UTILITIES.

§§ 4161-76. Pub. utilities labor. AM. L. 1949, Act 146 [A-109]. Chapter rewritten.

Chapter 73 A. LABOR DISPUTES, STEVEDORING INDUSTRY.

Series A-78: ACT 209

An Act to Provide for the Preservation and Promotion of the Public Health, Safety and Welfare in the Event of Territorial Emergencies Resulting from Disruptions of Service in the Stevedoring Industry (Herein Defined to Include Terminal and Other Related Services), Providing for the Seizure and Operation of the Plant and Facilities, Including Related Facilities, of Stevedoring Companies by the Government During Such Emergencies, Making Appropriations and Providing Other Funds for Such Government Operations, Prohibiting Interference with Government Operations and Providing Penalties and Remedies Therefor, and Repealing Acts 2, 3 and 62 of the Special Session Laws of Hawaii 1949.

Be it Enacted by the Legislature of the Territory of Hawaii:

[Sec. 4181.01.] Section 1. Findings and declarations of legislation. The health, safety and welfare of the people of the Territory of Hawaii are absolutely dependent on the uninterrupted movement of goods and commodities between the Territory and continental United States. The great bulk of this commerce necessarily moves by ocean shipping. Consequently, any interruption in the free flow

of ocean commerce between the Territory and the continental United States is of vital concern to the people of the Territory. Such interruptions may be caused by the failure of ships to move between the Territory and the continental United States or the failure of ships to be loaded or unloaded in the Territory or in the continental United States. Whatever the cause, disruptions in ocean transportation have been extremely damaging to the public health, safety and welfare and have resulted in territorial emergencies. Experience has proved the necessity for affirmative action by the government in the event of such emergencies. Strikes in the stevedoring industry have proved particularly damaging to the public health, safety and welfare. While the national policy in labor relations and the desirability of leaving employers and employees in the industry to conclude their agreements through collective bargaining and to resolve their differences by conference and through voluntary mediation and conciliation are recognized, and while the relations between such employers and employees may not be regulated, nor their respective rights and duties under federal law affected, by the legislature, the government nevertheless is not powerless to deal with such territorial emergencies, whether caused by industrial disputes in the industry or otherwise. The people of the Territory have the right of self-preservation. It is therefore the intent of this Act that, in the public interest and for the public health, safety and welfare, the government shall undertake to provide stevedoring services, together with all related services (including terminal services) incidental to the loading, unloading, arrival and departure of vessels at ports in the Territory of Hawaii, in the event of territorial emergencies arising as the result of an interruption in the furnishing of stevedoring services by industry.

The provisions of this Act shall be applicable only in the event of the existence of a territorial emergency. This law shall be deemed an exercise of the police power of the Territory for the protection of the public health, safety and welfare, but to that end the legislature hereby exercises not only the police power but the power of eminent domain and all other applicable powers of the government of the Territory of Hawaii. [L. 1951, c. 209, s. 1.]

[Sec. 4181.02.] Section 2. **Definitions.** As used in this Act unless the context clearly indicates otherwise:

(a) The term "person" includes one or more individuals, labor organizations, partnerships, associations, corporations, legal representatives, trustees or receivers.

(b) "Stevedoring industry" means the business of furnishing services for the loading and unloading of cargo transported or to be transported on vessels and other craft, at any ports within

the Territory of Hawaii, and also means the business of furnishing related services, as hereinafter defined.

(c) "Stevedoring services" means services for the loading and unloading of cargo transported or to be transported on vessels and other craft and the handling of lines of vessels and other craft, at any ports within the Territory of Hawaii.

(d) "Related services" means and includes all services, other than stevedoring services, ordinarily or necessarily performed in regard to cargo, goods, wares, and merchandise of every kind arriving at a terminal facility for shipment by or discharge from vessels and other craft; and "related facilities" means and includes all facilities in connection therewith.

(e) "Company" and "stevedoring company" shall mean any persons engaged in the stevedoring industry as an employer whether in the business of furnishing stevedoring services or related services or both.

(f) "Industrial dispute" and "labor dispute" mean any controversy concerning wages, hours or other terms or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange wages, hours, or other terms or conditions of employment.

(g) "Strike" means the temporary stoppage of work, slowdown, or retarding of production or operations by the concerted action of employees.

(h) "Lockout" means the refusal of an employer to furnish work to employees as the result of a labor dispute between such employer and its employees.

(i) "Labor organization" means any organization of employees which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning wages, hours and other terms and conditions of employment.

(j) "Employer" shall mean any person who employs the services of employees in the stevedoring industry, but shall not include the Territory or any agency thereof.

(k) "Employee" shall mean any person employed by an employer.

(l) "Terminal facility" means any dock, wharf, pier, quay, bulkhead or landing, with the appurtenances thereto, and any warehouse used in connection therewith. [L. 1951, c. 209, s. 2.]

[Sec. 4181.03.] Section 3. **Proclamation of emergency; preparations for government operations.** (a) Whenever the governor shall find that the public health, safety or welfare has been impaired or imperiled and a territorial emergency created as a result of the inter-

ruption in the furnishing of services by the stevedoring industry, whether such interruption has been caused by an industrial dispute or otherwise, he shall have the power and authority to issue a proclamation declaring the existence of such emergency and his intention to exercise his powers under section 4 of this Act.

(b) Before or after the issuance of such proclamation the governor may make such preparations as he may deem necessary or proper to carry out the provisions of section 4 of this Act. [L. 1951, c. 209, s. 3.]

[Sec. 4181.04.] Section 4. **Government operations.** (a) After the issuance of a proclamation pursuant to section 3 and during the emergency thereby proclaimed, the governor shall have the power and authority to seize and take possession of and operate the entire plant and facilities, including related facilities, of any stevedoring company whose operations are suspended or substantially reduced, or so much thereof, or such interest therein, as the governor may deem necessary in order to carry out the purposes of this Act.

(b) Such government operations may be conducted by the governor through such department or agency of the Territory as he may designate and he may delegate to such agency such of his powers as are necessary to conduct such operations.

(c) The governor shall have such power and authority as shall be reasonably necessary to conduct such government operations in a manner consistent with the public health, safety and welfare, including, without limitation upon the generality of the foregoing, the power to make such contracts and arrangements with ship owners, charterers, agents and operators, wharf and pier owners and operators, stevedoring companies, trucking operators, warehousemen and other persons as may be required in order to provide stevedoring services and related services. The governor shall have the power to make contracts without regard to the provisions of sections 351-363 of the Revised Laws of Hawaii 1945 and, specifically, the certificate of the auditor as to the availability of an unexpended appropriation or balance of an appropriation to cover the amount required by any such contract shall not be required.

(d) In operating the plant and facilities of each company the governor, so far as possible and to the extent employees are needed, shall employ the personnel employed by such company upon the seizure and taking of possession thereof or immediately prior to the disruption of service by such company, including employees on strike or locked out, if such disruption be due to a strike or lockout. Persons so employed by the governor or otherwise employed by the governor shall not by reason of such employment be or become entitled to civil service, retire-

ment, vacation or other benefits provided by law for other employees of the Territory, nor shall they be required to possess the qualifications of other government employees, and no person shall be ineligible for employment by reason of the fact that he is not a citizen of the United States or of the Territory; **provided**, however, that if it shall be necessary to employ persons who were not theretofore employed by the company, such persons shall possess the residence qualifications prescribed by section 451 of the Revised Laws of Hawaii 1945; **provided**, further, that all citizens employed or engaged by the governor under the provisions of this Act shall subscribe to the oath or affirmation prescribed by the provisions of chapter 13 of the Revised Laws of Hawaii 1945 and all non-citizens shall subscribe to the following oath or affirmation:

"I _____ do solemnly swear and declare, on oath, that I do not hold membership in, pay assessments, dues, or make contributions to any organization or any political party which advocates the overthrow of the constitutional form of government of the United States of America or any change in the government of the United States of America, except as provided by its Constitution; that I take this obligation freely, without any mental reservation or purpose of evasion; So help me God."

Upon a showing as to the sincerity of any one claiming that he is unwilling to take the above prescribed oath only because of religious beliefs he is unwilling to be sworn, he may be permitted, in lieu of such oath, to make his solemn affirmation which shall be in the same form as the said oath except that the words "sincerely and truly affirm" shall be substituted for the word "swear" and the phrases "on oath" and "So help me God" shall be omitted.

The salaries and wage rates of the persons employed by the Territory shall be the same as those which existed in the industry immediately prior to the disruption of service occasioning the emergency. There shall be no deductions from such salaries and wages except as authorized by law in the case of other territorial employees. The hours of employment shall be the same as existed in the industry immediately prior to the disruption of service and in so far as possible the other conditions of employment shall be the same as then existed, and neither the governor nor the designated agency shall have authority to enter into negotiations with any such company or with any labor organization for a collective bargaining contract with respect to wages, hours and other terms and conditions of employment in the industry. All services performed in the employ of the Territory in govern-

ment operations under this Act shall constitute employment for the purposes of chapters 74 and 77 of the Revised Laws of Hawaii 1945, as amended, and to the extent of such services the Territory shall be deemed an employer within the meaning of said chapters and shall make the contributions required of a new employer as prescribed by said chapter 74.

(e) There is hereby established in the treasury of the Territory a revolving fund to be known as the "Stevedoring Revolving Fund". The sum of \$250,000.00 is hereby appropriated to said fund from the general revenues of the Territory and shall be deposited in said fund. The governor may further augment said appropriation from his contingent fund and in addition thereto may cause to be deposited in said revolving fund as a loan or loans from the general fund further amounts from time to time as required for the purposes of this Act, but the amount of such further loans from the general fund, outstanding at any one time, shall not exceed \$250,000.00. All revenues collected by the governor shall be deposited in said revolving fund and are hereby appropriated for the purposes thereof. Expenditures may be made from said stevedoring revolving fund for any and all of the purposes of this Act and the operations of the government under this Act, including, without limitation of the generality of the foregoing, the compensation of employees and for other personal services, other current expenses, insurance and expenditures for the performance of any and all contracts and arrangements authorized by this Act. Such expenditures may be made by the governor or the governor may allot any money in said fund to the designated agency for expenditure upon its own vouchers.

(f) Charges shall be made and collected for deposit in said revolving fund. Such charges so far as possible shall be based upon the rates prevailing in the industry immediately prior to the disruption of service, but due consideration shall be given to current conditions, including the expenses and other costs incurred or which may be incurred by the Territory under this Act. From time to time the governor shall pay from the revolving fund to each company whose property has been appropriated just compensation for the appropriation and use of its property. If any company is unwilling to accept the amount determined by the governor as full and complete compensation for such appropriation and use, such company shall be paid fifty per centum of the amount so determined by the governor and shall be entitled to sue the Territory, in the manner provided in chapter 220 of the Revised Laws of Hawaii 1945, for such additional sum as, when added to the sum already received by such company, shall constitute just compensation for the appropriation

and use of its property, provided that such suit shall be instituted within three months after the termination of such appropriation and use. [L. 1951, c. 209, s. 4.]

[Sec. 4181.05.] Section 5. **Termination of government operations.** Whenever the governor shall find that any company whose plant or facilities are being operated by the Territory shall be in a position to resume immediately and continue the operation of its plants and facilities without interruption, or that government operation of the plant or facilities of any company is no longer required for the public health, safety and welfare, he shall terminate government operation of such plant and facilities and shall restore the same to such company. [L. 1951, c. 209, s. 5.]

[Sec. 4181.06.] Section 6. **Interference with government operations; injunctions.** (a) All persons employed by the governor under the provisions of section 4 of this Act shall be deemed government employees within the meaning of Act 42 of the Special Session Laws of Hawaii 1949 and all of the provisions of said Act shall be applicable to the operations under section 4 of this Act.

(b) After a proclamation of an emergency pursuant to section 3 and until the termination of government operations as provided by section 5, it shall be unlawful for (I) any private employees or labor organization to engage in a strike, or a concerted refusal to transport or otherwise handle any cargo or to perform services on any vessel or with respect to any facility, or (II) any person to concert to withhold patronage, employment, or other beneficial business intercourse, or (III) any person, with a purpose of instigating, inducing, procuring, bringing about, coercing or inciting any such strike or concerted action or a continuation thereof, to picket or to establish or maintain a picket line of one or more persons, where an object of any such strike, concerted action, or picketing, is to (A) interfere with government operations under the provisions of this Act, or (B) force or require any person to cease transporting or otherwise handling cargo with respect to which stevedoring services or related services have been or are to be performed by the government under the provisions of this Act, or (C) cause loss, injury or damage to any person by reason of his having transported or otherwise handled or being about to transport or otherwise handle any cargo with respect to which stevedoring services or related services have been or are to be performed by the government under the provisions of this Act; **provided**, however, that in the case of an emergency arising out of a labor dispute in the stevedoring industry, this paragraph shall not, by reason of refusal to return to employment involved in such labor dispute or by reason of refusal to accept employment by the government,

apply to any employee engaged in such labor dispute. For the purposes of this paragraph, the term "employee" includes any employee and is not limited to the employees of a particular employer and "private employee" means one employed by other than the government.

The provisions of this paragraph shall be enforceable in the same manner as that provided in Act 42 of the Special Session Laws of Hawaii 1949 for the enforcement of the provisions of such Act. [L. 1951, c. 209, s. 6.]

[Sec. 4181.07.] Section 7. **Employee need not work involuntarily.** Nothing in this Act shall be construed to require an individual employee to render labor or service without his consent, nor shall anything in this Act be construed to make the quitting of his labor or service by an individual employee an illegal act. [L. 1951, c. 209, s. 7.]

[Sec. 4181.08.] Section 8. **Rules and regulations.** For the purpose of carrying out the provisions of section 4 of this Act, the governor shall have the power to prescribe rules and regulations, including provisions for maintenance, as part of the stevedoring revolving fund, of special bank accounts and cash funds, for drawing thereon by paymasters or other persons approved by the governor or the designated agency and for the manner of accounting therefor. The provisions of sections 466 to 476, inclusive, of the Revised Laws of Hawaii 1945 shall not be applicable to such rules and regulations. [L. 1951, c. 209, s. 8.]

[Sec. 4181.09.] Section 9. **Construction.** All of the provisions of this Act shall be liberally construed. If any section, sentence, clause or phrase of this Act, or its application to any employer, employee, person or circumstances is for any reason held to be unconstitutional or invalid, the remaining portions of this Act, or the application of this Act to other employers, employees, persons or circumstances shall not be affected. The legislature hereby declares that it would have passed this Act and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, sentences, clauses or phrases be declared unconstitutional or invalid and irrespective of the fact that the application of this Act to any one or more employers, employees, persons or circumstances be declared unconstitutional or invalid. [L. 1951, c. 209, s. 9.]

[Sec. 4181.10.] Section 10. **Powers in addition to other powers.** The powers conferred by this Act shall be in addition and supplemental to the powers conferred by any other law, including Act 21 of the Special Session Laws of Hawaii 1949, and nothing contained herein shall be construed as limiting any other powers

of the governor or the designated agency mentioned in section 4 hereof. [L. 1951, c. 209, s. 10.]

Section 11. **Repeals.** Acts 2, 3 and 62 [Series A-15, F-65, 66.] of the Special Session Laws of Hawaii 1949 are hereby repealed, except for the purposes of any pending proceeding for the prosecution and punishment of any person for any violation of any provision of said Acts or any injunction issued to enforce a provision thereof and all such violations may be nevertheless prosecuted and punished.

Section 12. **Effective date.** This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 28, 1951.) S.B. 519, Act 209.

Chapter 74. HAWAII EMPLOYMENT SECURITY.*

§ 4201. **Short title.** AM. L. 1949, Act 76 [A-110].

Series A-79: ACT 195

An Act to Amend Chapter 74 of the Revised Laws of Hawaii 1945, as Amended, Relating to Employment Security.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 74 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended in the following respects:

(1) By amending subsection (a) of **section 4202** to read:

“(a) ‘**Base period**’, with respect to benefit years beginning after June 30, 1951, means the four completed calendar quarters immediately preceding the first day of an individual’s benefit year.”

(2) By amending paragraph (C) of **section 4208*** to read:

“(C) Service not in the course of the employing unit’s trade or business performed in any calendar quarter by an individual, unless the cash remuneration paid for such service is fifty dollars or more and such service is performed by an individual who is regularly employed by such employing unit to perform such service. For the purposes of this paragraph, an individual shall be deemed to be regularly employed to perform service not in the course of an employing unit’s trade or business during a calendar quarter

* Note: See note following Act 123 [A-83], *infra*, for prior amendments to Chap. 74.

only if (i) on each of some twenty-four days during such quarter such individual performs such service for some portion of the day, or (ii) such individual was regularly employed (as determined under clause (i)) by such employing unit in the performance of such service during the preceding calendar quarter."

(3) By repealing paragraph (Q) of section 4208* and amending the succeeding proviso to read:

"**Provided** that none of the foregoing exclusions (A) to (P), inclusive, shall apply to any service with respect to which a tax is required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund."

(4) By substituting for the words "the wages (if any) payable to him with respect to such week" in the first sentence of section 4216** the words "that part of the wages (if any) payable to him with respect to such week which is in excess of two dollars".

(5) By adding a new subsection (e) following subsection (d) of section 4231, as amended, to read:

"(e) If the board finds that he has within the twenty-four calendar months immediately preceding any week of his unemployment, with intent to defraud by obtaining any benefits not due under this chapter, made a false statement or representation of a material fact knowing it to be false or knowingly failed to disclose a material fact, in which case he shall be disqualified for the week in which the board makes such determination and for not more than the fifty-one weeks immediately following such week; **provided**, however, that no disqualification shall be imposed if proceedings have been undertaken against the claimant under section 4288."

§ 4202. Definitions. (American vessel). Am. L. 1947, Act 75 [A-63].

§ 4204. Place of performance. Am. L. 1947, Act 75 [A-63], rewritten p. 137.

* § 4208, as so amended, reads:

Sec. 4208. Excluded service. The term "employment" shall not include the following service:

(A) agricultural labor as defined in section 4210 of this subtitle;

(B) domestic service in a private home, local college club, or local chapter of a college fraternity or sorority;

(C) service not in the course of the employing unit's trade or business performed in any calendar quarter by an individual, unless the cash remuneration paid for such service is fifty dollars or more and such service is performed by an individual who is regularly employed by such employing unit to perform such service. For the purposes of this para-

graph, an individual shall be deemed to be regularly employed to perform service not in the course of an employing unit's trade or business during a calendar quarter only if (i) on each of some twenty-four days during such quarter such individual performs such service for some portion of the day, or (ii) such individual was regularly employed (as determined under clause (i)) by such employing unit in the performance of such service during the preceding calendar quarter.

(D) (i) service performed on or in connection with a vessel not an American vessel, if the individual performing such service is employed on and in connection with such vessel when outside the United States;

(ii) service performed by an individual in (or as an officer or member of the crew of a vessel while it is engaged in) the catching, taking, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life (including service performed by any such individual as an ordinary incident to any such activity), except (I) service performed in connection with the catching or taking of salmon or halibut for commercial purposes, and (II) service performed on or in connection with a vessel of more than ten net tons (determined in the manner provided for determining the register tonnage of merchant vessels under the laws of the United States);

(E) service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of twenty-one in the employ of his father or mother;

(F) service performed in the employ of the United States government or an instrumentality of the United States exempt under the Constitution of the United States from the contributions imposed by this chapter, except that to the extent that the Congress of the United States shall permit states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation law, all of the provisions of this chapter shall be applicable to such instrumentalities, and to services performed for such instrumentalities, in the same manner, to the same extent and on the same terms as to all other employers, employing units, individuals and services; **provided** that if this Territory shall not be certified for any year by the social security board under section 1603 (c) of the Federal Internal Revenue Code, the payments required of such instrumentalities with respect to such year shall be refunded by the board from the fund in the same manner and within the same period as is provided in section 4267 of this chapter with respect to contributions erroneously collected;

(G) service performed in the employ of this Territory or of any other state, or of any political subdivision thereof, or any instrumentality of any one or more of the foregoing which is wholly owned by this Territory or by one or more states or political subdivisions; and any service performed in the employ of any instrumentality of one or more states or political subdivisions to the extent that the instrumentality is, with respect to such service, exempt under the Constitution of the United States from the tax imposed by section 1600 of the Federal Internal Revenue Code;

(H) service with respect to which unemployment compensation is payable under an unemployment system established by an Act of Congress;

(I) [deleted 1945, Act 19, p. 118.]

(J) (i) service performed in any calendar quarter in the employ of any organization exempt from income tax under section 101 of the Federal Internal Revenue Code, if (I) the remuneration for such service is less than fifty dollars, or (II) such service is in connection with the collection of dues or premiums for a fraternal beneficiary society, order, or association, and is performed away from the home office, or is ritualistic service in connection with any such society, order, or association, or (III) such service is performed by a student who is enrolled and is regularly attending classes at a school, college, or university, or (IV) such service is performed by members of religious orders or ministers of the gospel;

(ii) service performed in the employ of an agricultural or horticultural organization exempt from income tax under section 101 (1) of the Federal Internal Revenue Code;

(iii) service performed in the employ of a voluntary employees' beneficiary association providing for the payment of life, sick, accident, or other benefits to the members of such association or their dependents, if (I) no part of its net earnings inures (other than through such payments) to the benefit of any private shareholder or individual, and (II) eighty-five per centum or more of the income consists of amounts collected from members for the sole purpose of making such payments and meeting expenses;

(iv) service performed in the employ of a voluntary employees' beneficiary association providing for the payment of life, sick, accident, or other benefits to the members of such association or their dependents or their designated beneficiaries, if (I) admission to membership in such association is limited to individuals who are officers or employees of the United States government, and (II) no part of the net earnings of such association inures (other than through such payments) to the benefit of any private shareholder or individual;

(v) service performed in the employ of a school, college, or university, not exempt from income tax under section 101 of the Federal Internal Revenue Code, if such service is performed by a student who is enrolled and is regularly attending classes at such school, college, or university;

(K) service performed in the employ of a foreign government (including service as a consular or other officer or employee or a non-diplomatic representative);

(L) service performed in the employ of an instrumentality wholly owned by a foreign government—

(i) if the service is of a character similar to that performed in foreign countries by employees of the United States government or of an instrumentality thereof; and

(ii) if the United States Secretary of State has certified or shall certify to the United States Secretary of the Treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States government and of instrumentalities thereof;

(M) service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or

approved pursuant to state law; and service performed as an interne in the employ of a hospital by an individual who has completed a four years' course in a medical school chartered or approved pursuant to state law;

(N) service performed by an individual for an employing unit as an insurance agent or as an insurance solicitor, if all such service performed by such individual for such employing unit is performed for remuneration solely by way of commission;

(O) service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(P) service covered by an arrangement between the board and the agency charged with the administration of any other state or federal unemployment compensation law pursuant to which all services performed by an individual for an employing unit during the period covered by such employing unit's duly approved election, are deemed to be performed entirely within such agency's state.

Provided that none of the foregoing exclusions (A) to (P), inclusive, shall apply to any service with respect to which a tax is required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund. [s. 2 (k) (6); L. 1939, c. 219; am. L. 1941, c. 304, s. 1, pt. of subs. 8; R. L. 1945, s. 4208; am. L. 1945, c. 19, s. 1 (1); am. L. 1947, c. 75, s. 1 (3); am. L. 1951, c. 191, s. 1 (1, 2), c. 195, s. 1 (2, 3).]

§ 4215. **Benefit schedule.** Am. L. 1945, Act 19 [A-69].

** § 4216, as so amended, reads:

Sec. 4216. Weekly benefit for unemployment. Each eligible individual who is unemployed, as defined in section 4202 (q), in any week shall be paid with respect to such week a benefit in an amount equal to his weekly benefit amount less that part of the wages (if any) payable to him with respect to such week which is in excess of two dollars. Such benefit, if not a multiple of one dollar, shall be computed to the next higher multiple of one dollar. No individual shall be entitled to any benefit with respect to any week unless he is unemployed, as defined in section 4202 (q), in such week. [s. 3 (d); L. 1939, c. 219; am. L. 1941, c. 304, s. 1, pt. of subs. 15; R. L. 1945, s. 4216; am. L. 1951, c. 195, s. 1 (4).]

(6) By adding a new sentence at the end of paragraph (B) of **section 4250**, as amended, to read:

"Benefits paid after December 31, 1950, shall be charged to employers' accounts in the calendar year in which the claimant is paid the final benefits to which he is entitled for a benefit year, by reason either of exhaustion of his maximum total benefits or the expiration of such benefit year; **provided**, however, that benefits paid on or before January 31, 1951, with respect to weeks of unemployment beginning prior to January 1, 1951, shall not be charged against employers' accounts more than once."

(7) By further amending paragraph (B), as amended, of **section 4252** by deleting therefrom the words: "including benefits paid on or before January 31 of said calendar year with respect to weeks of unemployment beginning prior to January 1 of said calendar year,".

(8) By substituting a semicolon for the period preceding the last sentence in paragraph (F) of **section 4251** and substituting for said last sentence the following:

"provided, however, that no such waiver shall be accepted by the board for filing unless the employing unit executing such waiver has filed all reports and paid all contributions required of it by this chapter."

(9) By repealing paragraph (E) of **section 4251**, **section 4255** and **section 4256**.

(10) By substituting for the word "fifty" in **section 4288** the words "two hundred", and by changing the period at the end of said section to a semicolon and adding the following:

"provided, however, that no such fine or imprisonment shall be imposed in any case in which disqualification has been determined under section 4231 (e)."

(11) By substituting for the words "unemployment compensation" in the fourth line of **section 4269** the words "employment security."

(12) By substituting for the words "the attorney" in the third line of subsection (3) of **section 4269** the words "attorneys for the bureau of employment security, or the attorney for the department of labor and industrial relations,".

(13) By amending the first paragraph of **section 4270** to read:

"Sec. 4270. Rules and regulations. The board shall have the power to adopt, amend, or repeal such rules and regulations as it deems necessary or suitable for the administration of this chapter. Public hearings thereon shall be held as required by law. Such rules and regulations and any amendments thereto, when approved by the governor and promulgated and filed in accordance with sections 466 to 476, inclusive, shall have the force and effect of law and shall be enforced in the same manner as the provisions of this chapter."

Section 2. This Act shall take effect on July 1, 1951.

(Approved May 28, 1951.) S.B. 420, Act 195.

Series A-80: ACT 191

An Act to Amend Chapter 74 of the Revised Laws of Hawaii 1945, as Amended, Relating to Employment Security.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 74 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended in the following respects:

(1) By substituting for the words "does not exceed forty-five dollars" in subparagraph (i) of paragraph (J), as amended, of **section 4208**, the words "is less than fifty dollars".

(2) By deleting from subparagraph (v) of paragraph (J), as amended, of **section 4208** the words "in any calendar quarter" and the words ", and the remuneration for such service does not exceed forty-five dollars (exclusive of room, board and tuition)".

(3) By amending section 4212 to read:

"**Sec. 4212. Excluded payments.** The term 'wages' shall not include:

(A) the amount of any payment (including any amount paid by an employing unit for insurance or annuities, or into a fund, to provide for any such payment) to, or on behalf of, an individual or any of his dependents under a plan or system established by an employing unit which makes provision generally for individuals performing service for it (or for such individuals generally and their dependents) or for a class or classes of such individuals (or for a class or classes of such individuals and their dependents), on account of (i) retirement, or (ii) sickness or accident disability, or (iii) medical or hospitalization expenses in connection with sickness or accident disability, or (iv) death;

(B) the amount of any payment by an employing unit to an individual performing service for it (including any amount paid by an employing unit for insurance or annuities, or into a fund, to provide for any such payment) on account of retirement;

(C) the amount of any payment on account of sickness or accident disability, or medical or hospitalization expenses in connection with sickness or accident disability, by an employing unit to, or on behalf of, an individual performing services for it after the expiration of six calendar months following the last calendar month in which the individual performed services for such employing unit;

(D) the amount of any payment by an employing unit to, or on behalf of, an individual performing services for it or his beneficiary (i) from or to a trust exempt from tax under section 165(a) of the Federal Internal Revenue Code at the time of such payment unless such payment is made to an individual performing services for the trust as remuneration for such services and not as a beneficiary of the trust, or (ii) under or to an annuity plan which, at the time of such payments, meets the requirements of section 165(a) (3), (4), (5) and (6) of the Federal Internal Revenue Code;

(E) the amount of any payment by an employing unit (without deduction from the remuneration of the individual in its employ) of the tax imposed upon an individual in its employ under section 1400 of the Federal Internal Revenue Code;

(F) remuneration paid in any medium other than cash to an individual for service not in the course of the employing unit's trade or business;

(G) the amount of any payment (other than vacation or sick pay) to an individual after the month in which he attains the age of sixty-five, if he did not perform services for the employing unit in the period for which such payment is made;

(H) the amount of any payment (not required under any contract of hire) to an individual with respect to his period of training or service in the armed forces of the United States by an employing unit by which such individual was formerly employed;

(I) dismissal payments which the employing unit is not legally required to make." [s. 2(p) (2); L. 1939, c. 219; am. L. 1941, c. 304, s. 1, pt. of subs. 12; R. L. 1945, s. 4212; am. L. 1951, c. 191, s. 1(3).]

(4) By further amending section 4246, as amended, to read:

"Sec. 4246. Payment of contributions; wages not included. (1) Contributions with respect to wages for employment shall accrue and become payable by each employer for each calendar year in which he is subject to this chapter. Such contributions shall become due and be paid by each employer to the commissioner for the fund in accordance with such regulations as the board may prescribe, and shall not be deducted, in whole or in part, from the wages of individuals in such employer's employ.

(2) For the purposes of this and the next two subtitles the term 'wages' shall not include remuneration in excess

of three thousand dollars paid with respect to employment to an individual by an employer during any calendar year. If an employer during any calendar year acquires substantially all the property used in a trade or business, or in a separate unit of a trade or business, of another employer, and after the acquisition employs an individual who prior to the acquisition was employed by such predecessor, then for the purpose of determining whether remuneration in excess of three thousand dollars has been paid to such individual, remuneration paid to such individual by such predecessor during such calendar year shall be considered as having been paid by such successor employer." [s. 7(a); L. 1939, c. 219; am. L. 1941, c. 304, s. 1, subs. 19; R. L. 1945, s. 4246; am. L. 1947, c. 3, s. 1; am. L. 1951, c. 191, s. 1(4).]

Section 2. This Act shall take effect on July 1, 1951. To the extent, however, that the amendments numbered (3) and (4) of section 1 hereof change the meaning of the term "wages", such changes shall be effective with respect to all wages paid after March 31, 1951.

Section 3. Effective with respect to remuneration paid after December 31, 1951, section 4212 of the Revised Laws of Hawaii 1945, as herein amended, is hereby further amended by changing the semicolon at the end of paragraph (H) to a period and by repealing paragraph (I).

(Approved May 28, 1951.) S.B. 337, Act 191.

Series A-81: ACT 197

An Act to Amend Chapter 74 of the Revised Laws of Hawaii 1945, as Amended, Relating to Employment Security.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 74 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by amending the subtitle "BENEFITS AFTER TERMINATION OF MILITARY SERVICE", comprising sections 4218 to 4225, inclusive, to read as follows:

"BENEFITS AFTER TERMINATION OF MILITARY SERVICE

Sec. 4218. To be determined in accordance with this subtitle. Notwithstanding any inconsistent provisions of this chapter the benefit rights of servicemen shall be determined in accordance with the following provisions of this subtitle for the periods and with respect to the matters specified herein. Except as herein otherwise provided, all other provisions of this chapter shall continue to be applicable in connection with such benefits. [s. 3(f)(1); L. 1941, c. 304, s. 1, pt. of subs. 15; R. L. 1945, s. 4218; am. L. 1951, c. 197, pt. of s. 1.]

Sec. 4219. Definitions. As used in this subtitle:

(a) The term 'military service' means active service in the land, naval or air forces of the United States, but the service of an individual in any reserve component of the land, naval or air forces of the United States who is ordered to active duty in any such force for a period of thirty days or less shall not be deemed to be active service in such force during such period.

(b) The term 'serviceman' means an individual who entered military service after June 23, 1950, and who continued such service for not less than ninety consecutive days and whose military service was terminated on or before June 30, 1953. [s. 3(f)(2), (3); L. 1941, c. 304, s. 1, pt. of subs. 15; am. L. 1943, c. 160, s. 1, subs. 3, 4; R. L. 1945, s. 4219; am. L. 1945, c. 19, s. 1(4); am. L. 1951, c. 194, pt. of s. 1.]

Sec. 4220. Benefit year, unexpended balance. With respect to any serviceman who has an unexpired benefit year at the time of induction into the armed forces, the unexpended balance of benefits remaining to his account shall be reestablished beginning with the first day of the first week succeeding the date of his termination of service. Whenever this balance is exhausted the serviceman may file a claim and his base period shall be determined in accordance with the provisions of section 4222 hereof, except that all reestablished balances shall lapse 65 weeks after termination of such military service. [s. 3(f)(4); L. 1941, c. 304, s. 1, pt. of subs. 15; R. L. 1945, s. 4220; am. L. 1951, c. 197, pt. of s. 1.]

Sec. 4221. New benefit year. The benefit year of all other servicemen shall be 52 weeks from the first day of the first week following the date of termination of military service.

[s. 3(f) (5) ; L. 1941, c. 304, s. 1, pt. of subs. 15 ; R. L. 1945, s. 4221 ; am. L. 1951, c. 197, pt. of s. 1.]

Sec. 4222. Base period. With respect to the determination of the benefit rights of any serviceman, the base period shall consist of the four completed calendar quarters immediately preceding the first day of the serviceman's benefit year, excluding those quarters during which the serviceman was in military service sixty days or more. For all quarters so excluded there shall be substituted an equal number of quarters immediately preceding his entry into military service, except that the quarter of entry into military service shall be counted as a completed quarter if the board finds that the inclusion thereof would be more equitable to the serviceman. [s. 3(f) (6) ; L. 1941, c. 304, s. 1, pt. of subs. 15 ; R. L. 1945, s. 4222 ; am. L. 1951, c. 197, pt. of s. 1.]

Sec. 4223. No waiting period. The provisions of section 4230(d) of this chapter with respect to waiting period shall not be applicable to a serviceman's benefit year as established under this subtitle. [s. 3(f) (7) ; L. 1941, c. 304, s. 1, pt. of subs. 15 ; R. L. 1945, s. 4223 ; am. L. 1951, c. 197, pt. of s. 1.]

Sec. 4224. No disqualification, when. No disqualification shall be applied to any serviceman after the termination of his military service, by reason of any act or course of action on his part prior to the date of his entry into such service. [s. 3(f) (8) ; L. 1941, c. 304, s. 1, pt. of subs. 15 ; R. L. 1945, s. 4224 ; am. L. 1951, c. 197, pt. of s. 1.]

Sec. 4225. Payments by United States, effect of. If, under an act of Congress, payments with respect to the unemployment of individuals who have completed a period of military service are payable by the United States, a serviceman shall be disqualified for unemployment benefits under this chapter with respect to any week for which he is paid such benefits by the United States, and no unemployment benefits shall be paid under this chapter until he has exhausted all his rights to such payments from the United States." [s. 3(f) (9) ; L. 1941, c. 304, s. 1, pt. of subs. 15 ; R. L. 1945, s. 4225 ; am. L. 1951, c. 197, pt. of s. 1.]

Section 2. This Act shall take effect on July 1, 1951, with respect to weeks of unemployment beginning on or after the effective date hereof.

(Approved May 28, 1951.) S.B. 428, Act 197.

Series A-82: ACT 33

An Act to Amend Chapter 74 of the Revised Laws of Hawaii 1945, as Amended, Relating to Employment Security.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Paragraph (A) of section 4226 of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"(A) The term 'seasonal pursuit' means an industry, or an occupation within an industry, in which, because of the seasonal nature of the operations of such industry or of such occupation, it is customary in each year, as shown in any year by experience in such industry or in such occupation in any two of the preceding three years, (i) for volume of employment in this Territory in such industry or in such occupation to be substantially increased during, or for employment in this Territory in such industry or in such occupation to be limited to, a regularly recurring period or periods of seasonal activity, of less than an aggregate of twenty-six weeks in a year, and (ii) for employment in this Territory in such industry or in such occupation, measured in terms of man-hours per week, to be reduced during any period of not less than twelve consecutive weeks in the year to such an extent that the man-hours for each week of such period is less than forty-five per cent of the average weekly man-hours for the three four-week periods of the year in which man-hours are the highest; **provided** that no occupation shall be a seasonal pursuit unless and until the board shall so determine; and **provided** further that whenever any industry qualifies as a seasonal pursuit under provisions of this subtitle the whole of such industry shall be a seasonal pursuit unless the board shall determine that any occupation or occupations in such industry is or are a seasonal pursuit or seasonal pursuits; and **provided** further that whenever the board shall determine that an occupation or occupations within an industry is or are a seasonal pursuit or seasonal pursuits, then the remainder of said industry will be a seasonal pursuit if, and will not be a seasonal pursuit unless, without consideration of such occupation or occupations, it would qualify as a seasonal pursuit under the provisions of this paragraph. An occupation may be a seasonal pursuit whether or not the industry of which it is a part could qualify as a seasonal pursuit. Periods of seasonal activity in an industry or in an occupation shall be

considered as 'regularly recurring', within the meaning of this paragraph, notwithstanding that the opening and closing dates thereof may vary from year to year and notwithstanding that the opening and closing dates thereof in any year or years may vary as among employers in the industry or occupation, so long as such variations shall not be of sufficient extent to establish that operations in such industry or in such occupation are not of a seasonal nature." [s. 3(g) (1); L. 1939, c. 219; am. L. 1941, c. 304, s. 1, pt. of subs. 15; R. L. 1945, s. 4226; am. L. 1945, c. 70, s. 1; am. L. 1951, c. 33, s. 1.]

Section 2. The amendment effected by this Act shall control all determinations made by the board under section 4229 of said Revised Laws respecting the status of an industry or of an occupation within an industry under section 4226 for the year 1951, as well as for subsequent years, to the same extent as if this Act had been in effect on January 1, 1951.

Section 3. This Act shall take effect upon its approval.

(Approved May 4, 1951.) S.B. 481, Act 33.

§ 4231 (e). **Old age benefits.** Rep. Sp. L. 1949, Act 13 [A-16], as it appears in R. L. 1945. NEW, L. 1951, Act 195 [A-79].

§ 4246. **Contributions.** Am. L. 1947, Act 3 [A-64], rewritten p. 141; AM. L. 1951, Act 191 [A-80].

§ 4248. **Definitions.** Am. L. 1949, Act 316 [A-111].

§ 4249. **Credits for contributions.** Am. L. 1949, Act 316 [A-111], rewritten pp. 248-49.

§ 4250. **Charges for separations and benefits.** Am. L. 1949, Act 316 [A-111]; am. L. 1951, Act 195 [A-79].

§ 4251. **Contribution rates, how determined.** Am. L. 1951, Act 195 [A-79].

§ 4252. **Relation of credits to charges.** Am. L. 1945, Act 19 [A-69]; am. L. 1949, Act 316 [A-111]; am. L. 1951, Act 195 [A-79].

§ 4253. **Rates.** AM. L. 1945, Act 19 [A-69].

§ 4255. Rep. L. 1951, Act 195 [A-79].

§ 4256. Rep. L. 1951, Act 195 [A-79].

§ 4258. **Collection of contributions.** Am. L. 1949, Act 77 [A-112].

Series A-83: ACT 123

An Act to Amend Section 4259 of the Revised Laws of Hawaii 1945, Relating to Penalty for Delinquency in Payment of Unemployment Compensation Contributions.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 4259** of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(1) By changing the period at the end of the title thereof to a semicolon and adding the word "remission".

(2) By adding thereto a new paragraph to read:

"Except in cases of fraud or wilful violation of this chapter or wilful refusal to make a return (but inclusion in a return of a claim of non-liability for contributions shall not be deemed a refusal to make a return), the commissioner may, in a case of excusable failure to file a return or pay a contribution within the time required by this chapter or in a case of uncollectibility of the whole amount due, remit any amount of penalties or interest added to any delinquent contribution. In all such cases there shall be placed on file in his office a statement showing the name of the person receiving such remission, the principal amount of the contribution, and the period involved."

Section 2. This Act shall take effect on July 1, 1951.

(Approved May 19, 1951.) H.B. 827, Act 123.

§ 4269. Duties and powers of board. Am. L. 1951, Act 195 [A-79].

§ 4270. Rules and regulations. Am. L. 1951, Act 195 [A-79].

§ 4288. Falsely obtaining benefits, etc. Am. L. 1951, Act 195 [A-79].

§ 4288, as so amended, reads:

Sec. 4288. Falsely obtaining benefits, etc. Whoever makes a false statement or representation knowing it to be false or knowingly fails to disclose a material fact, to obtain or increase any benefit or other payment under this chapter or under the unemployment compensation law of any state or of the federal government, either for himself or for any other person, shall be punished by a fine of not less than twenty dollars nor more than two hundred dollars, or by imprisonment for not longer than thirty days, or by both such fine and imprisonment; and each such false statement or representation or failure to disclose a material fact shall constitute a separate offense; provided, however, that no such fine or imprisonment shall be imposed in any case in which disqualification has been determined under section 4231 (e). [s. 14 (a); L. 1939, c. 219; am. L. 1941, c. 304, s. 1, pt. of subs. 36; R. L. 1945, s. 4288; am. L. 1951, c. 195, s. 1 (10).]

Chapter 75. WAGE AND HOUR LAW.

Series A-84: ACT 180

An Act to Amend Section 4352 of the Revised Laws of Hawaii 1945, as Amended, Defining Terms Used in the Hawaii Wage and Hour Law.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 4352 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by substituting for the word "two" in the definition of "Employee" the word "three".

Section 2. This Act shall take effect on July 1, 1951.

(Approved May 28, 1951.) S.B. 101, Act 180.

§ 4352. Definitions. Am. L. 1945, Act 15 [A-71]; Am. L. 1949, Act 292 [A-113]; Am. L. 1951, Act 180 [A-84].

§ 4353. Minimum wage. AM. L. 1945, Act 15 [A-71].

§ 4363. Penalties. Am. L. 1945, Act 15 [A-71].

Chapter 76. WAGES, PAYMENT OF.

Series A-85: ACT 296

An Act to Amend Chapter 76 of the Revised Laws of Hawaii 1945, as Amended, Relating to Payment of wages.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 76 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by amending sections 4383, 4384 and 4385 to read:

"Sec. 4383. Fines, deductions for. No fines shall be collected, deducted, or retained by any person out of any compensation earned by any employee. [L. 1901, c. 17, s. 1; am. L. 1921, c. 133, s. 1; R. L. 1925, s. 3591; am. L. 1932, 2d, c. 63, s. 6; R. L. 1935, s. 7470; R. L. 1945, s. 4383; am. L. 1951, c. 296, pt. of s. 1.]

Sec. 4384. Wages, deductions from. It shall be unlawful for any person to deduct and retain any part or portion of any compensation earned by any employee except where

required by federal or territorial statute or by court process or when such deductions are authorized in writing by the employee, **provided** that deductions for fines may not be so authorized. [L. 1901, c. 17, s. 2; R. L. 1925, s. 3592; am. imp. L. 1932, 2d, c. 45, s. 3; R. L. 1935, s. 7471; R. L. 1945, s. 4384; am. L. 1951, c. 296, pt. of s. 1.]

Sec. 4385. Penalty. Any person who, having the ability to pay, wilfully refuses to pay wages due and payable when demanded or who violates any provision of this chapter shall be guilty of a misdemeanor and liable to a fine of not more than five hundred dollars or imprisonment of not more than six months or both such fine and imprisonment.

It shall be the duty of the department of labor and industrial relations to enforce the provisions of this chapter." [L. 1901, c. 17, s. 3; R. L. 1925, s. 3593; R. L. 1935, s. 7472; R. L. 1945, s. 4385; am. L. 1945, c. 11, s. 1; am. L. 1951, c. 296, pt. of s. 1.]

Section 2. This Act shall take effect on July 1, 1951.

(Approved June 9, 1951.) H.B. 1014, Act 296.

Chapter 76 A. INDUSTRIAL SAFETY.

§§ 4390.01-.09. Industrial safety. NEW, L. 1947, Act 64 [A-65].

§ 4393.10. Fees. NEW, L. 1949, Act 133 [A-114].

EXPLOSIVES.

§§ 4393.11-.18. Renumbered L. 1951, Act 101 [A-105]. Formerly §§ 4946-4953 from ch. 88.

§§ 4393.19-.21. Exceptions; appeals; violations, penalty. NEW, L. 1951, Act 101 [A-105], infra.

Chapter 77. WORKMEN'S COMPENSATION LAW.

§ 4401. **Definitions.** Am. L. 1945, Act 10 [A-73]; am. L. 1949, Act 110 [A-115] and Act 129 [A-116].

§ 4403. **Employments covered.** Am. L. 1945, Act 10 [A-73]; am. L. 1949, Act 110 [A-115], rewritten pp. 252-253.

Series A-86: ACT 194

An Act Relating to Rights and Remedies
Granted to An Employee by the Workmen's Compensa-
tion Law; Amending Chapter 77 of the Revised
Laws of Hawaii 1945.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 4409, chapter 77, of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"Sec. 4409. Liability of third persons. When an injury or death for which benefits under this chapter are payable shall have been sustained under circumstances creating in some person other than the employer a legal liability to pay damages in respect thereto, the injured employee or his dependents (in this section referred to as the 'employee') may claim benefits under this chapter and proceed at law against that other person to recover all damages proximately resulting from such injury or death.

If the employee brings an action against such third person, he shall forthwith give to the employer written notice of the action and the name of the court in which the action is brought, by personal service or registered mail, and the employer may, at any time before trial on the facts, join as party plaintiff.

If within nine months after the date of injury or death the employee has not instituted action against such third person, the employer having paid benefits under this chapter or having become liable therefor shall be subrogated to the rights of the injured employee.

No release or settlement of any claim or action under this section is valid without the written consent of both employer and employee. The entire amount of such settlement is subject to the employer's full claim for reimbursement for his expenditures for benefits under this chapter and his expenses and costs of action.

If the employer has not joined in the action, the court on his application shall allow, as a first lien against the entire amount of any judgment for damages recovered by the employee, the amount of the employer's expendi-

tures for benefits under this chapter. After reimbursement of the employer's expenditures, the employer shall be relieved from the obligation to pay further benefits to the employee under this chapter up to the entire amount of the balance of the judgment, if satisfied, without any deduction.

The amount of the benefits paid by the employer, or the amount of the benefits to which the injured employee is entitled, shall not be admissible in evidence in any action brought to recover damages." [L. 1915, c. 221, s. 5; am. L. 1923, c. 249, s. 1; R. L. 1925, s. 3608; R. L. 1935, s. 7484; R. L. 1945, s. 4409; am. L. 1951, c. 194, s. 1.]

Section 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 28, 1951.) S.B. 418, Act 194.

§ 4411. Death benefits. Am. L. 1947, Act 81 [A-66]; am. L. 1949, Act 129 [A-116] and Act 111 [A-117].

§ 4412. Dependents. Am. L. 1949, Act 293 [A-118], rewritten pp. 255-256.

Series A-87: ACT 49

An Act to Amend Chapter 77 of the Revised Laws of Hawaii 1945, as Amended, Relating to Workmen's Compensation.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 77 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended in the following respects:

(1) By substituting for the words "seventy-five hundred" in the last line of the first paragraph in **section 4414**, as amended, the words "ten thousand five hundred".

(2) By further amending the last paragraph of sub-section 1 of **section 4416**, as amended, to read:

"The liability of an employer for compensation for permanent total disability shall not exceed ten thousand five hundred dollars. After such amount has been paid by the employer, the injured employee shall be entitled to further compensation at a reduced rate of fifty percent of the weekly amount theretofore received by him, but not less than ten dollars per week, such reduced compensation to be paid from the special compensation and accident prevention fund."

(3) By substituting for the words "seventy-five hundred" in the last paragraph of subsection 2 of **section 4416** and in subsection 2 of **section 4417** the words "ten thousand five hundred".

Section 2. This Act shall take effect upon its approval.

(Approved May 10, 1951.) H.B. 11, Act 49.

§ 4414. **Death benefits; average weekly wages; payments to whom, etc.** Am. L. 1949, Act 111 [A-117] and Act 204 [A-119], rewritten pp. 256-257; am. L. 1951, Act 49 [A-87].

§ 4416, as so amended, reads:

Sec. 4416. 1. Permanent total disability. Where the injury causes total and permanent disability for work, the employer shall pay the injured employee a weekly compensation equal to sixty-six and two-thirds per centum of his average weekly wages, but not more than thirty-five dollars nor less than eight dollars a week. But no adjudication of permanent total disability shall be made until after two weeks from the date of injury.

In the case of the following injuries, the disability caused thereby shall be deemed total and permanent:

- (1) The total and permanent loss of sight in both eyes;
- (2) The loss of both feet at or above the ankle;
- (3) The loss of both hands at or above the wrist;
- (4) The loss of one hand and one foot;
- (5) An injury to the spine resulting in permanent and complete paralysis of both legs or both arms or of one leg and one arm;
- (6) An injury to the skull resulting in incurable imbecility or insanity.

The above enumeration is not to be taken as exclusive.

An injured employee awarded compensation under this subsection for permanent total disability may receive an additional sum of not more than fifty dollars a month, as the director may deem necessary, when the director shall find that the service of an attendant for the injured employee is constantly necessary. Such payments shall be made upon the order of the director from the special compensation and accident prevention fund provided in section 4417.01.

The liability of an employer for compensation for permanent total disability shall not exceed ten thousand five hundred dollars. After such amount has been paid by the employer, the injured employee shall be entitled to further compensation at a reduced rate of fifty percent of the weekly amount theretofore received by him, but not less than ten dollars per week, such reduced compensation to be paid from the special compensation and accident prevention fund.

2. Temporary total disability. Where the injury causes total disability for work, the employer, during disability, but not including the first five days thereof, except as hereinafter provided, shall pay the injured employee a weekly compensation equal to sixty-six and two-thirds per centum of his average weekly wages, but not more than thirty-five dollars nor less than eight dollars a week; **provided**, in case of an employee whose average weekly wages are less than eight dollars a week, the weekly compensation shall be the full amount of the average weekly wages; **provided**, however, that in case the injury results in disability of more than twenty-one days, the compensation shall be allowed from the date of disability.

In no case shall the weekly payments continue after the disability ends; nor shall the amount of compensation paid in any case exceed in the

aggregate the sum of ten thousand five hundred dollars. [L. 1915, c. 221, s. 13; am. L. 1917, c. 227, s. 4; am. L. 1923, c. 249, s. 3; R. L. 1935, s. 7492; am. L. 1939, c. 206, s. 1; am. L. 1943, c. 157, pt. of s. 1; R. L. 1945, s. 4416; am. L. 1945, c. 10, s. 1 (4, 5); am. L. 1949, cc. 130, 131, ss. 1; am. L. 1951, c. 49, s. 1 (2, 3).]

Series A-88: ACT 50

An Act to Amend Chapter 77 of the Revised Laws of Hawaii 1945, as Amended, Relating to Workmen's Compensation.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 77 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended in the following respects:

(1) By further amending the paragraph entitled "Phalanx of thumb or finger", as amended, in subsection 1 of section 4417 to read:

"Phalanx of thumb or finger. The loss of the first phalanx of the thumb shall be considered to be equal to the loss of three-fourths of the thumb, and compensation shall be three-fourths of the amount above specified for the loss of the thumb. The loss of the first phalanx of any finger shall be considered to be equal to the loss of one-half of the finger, and compensation shall be one-half of the amount above specified for loss of the finger. The loss of more than one phalanx of the thumb or of any finger shall be considered as the loss of the entire thumb or finger; **provided**, however, that in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand;"

(2) By deleting from the paragraph entitled "**Facial or head disfigurement**" in subsection 1 of section 4417, the word "serious."

(3) By amending the paragraph entitled "Other cases" in subsection 1 of section 4417 to read:

"Other cases. In all lesser or other cases involving permanent loss or where the usefulness of a member or any physical function is impaired, the compensation shall be sixty-six and two-thirds per centum of the average weekly wages and the duration of compensation shall bear the relation to the specific periods of time stated in the above schedule as the disabilities bear to those produced by the injuries

named in the schedule. In cases in which the disability is determined as a percentage of total and permanent disability, the maximum compensation shall be computed on the basis of the corresponding percentage of \$10,500.00."

(4) By changing the semicolon preceding the words "the pecuniary liability" in subsection 3 of **section 4417** to a period and capitalizing "the", and by inserting a new sentence after said period to read:

"Where an employee suffers the loss of or damage to any such artificial member, aid or appliance by accident arising out of and in the course of his employment, the employer shall repair or replace such member, aid or appliance whether or not the same was furnished initially by the employer."

(5) By deleting the last paragraph of subsection 1 of **section 4417** and adding a new paragraph at the end of said **section 4417**, to be numbered "4" and to read:

"4. **Maximum compensation.** The total liability of an employer for compensation under this section and under section 4416, taken together, shall not exceed in the aggregate the sum of \$10,500.00, but any amount paid for artificial members, aids or appliances under paragraph 3 of this section shall not be included in computing said sum."

Section 2. This Act shall take effect on July 1, 1951.

(Approved May 10, 1951.) **H.B. 12, Act 50.**

§ 4417, as so amended, reads:

Sec. 4417. 1. Permanent partial disability. Where the injury causes a disability partial in character but permanent in duration, the employer shall pay the injured employee, regardless of his immediate subsequent ability for work, a weekly compensation equal to sixty-six and two-thirds per centum of his average weekly wages but not more than thirty-five dollars nor less than eight dollars a week (provided, in case of an employee whose average weekly wages are less than eight dollars a week, the weekly compensation shall be the full amount of the average weekly wages) for the period named in the schedule as follows:

Thumb. For the loss of a thumb, fifty-one weeks;

First finger. For the loss of a first finger, commonly called index finger, twenty-eight weeks;

Second finger. For the loss of a second finger, eighteen weeks;

Third finger. For the loss of a third finger, seventeen weeks;

Fourth finger. For the loss of a fourth finger, commonly called the little finger, seven weeks;

Phalanx of thumb or finger. The loss of the first phalanx of the thumb shall be considered to be equal to the loss of three-fourths of the thumb, and compensation shall be three-fourths of the amount above specified for the loss of the thumb. The loss of the first phalanx of any finger

shall be considered to be equal to the loss of one-half of the finger, and compensation shall be one-half of the amount above specified for loss of the finger. The loss of more than one phalanx of the thumb or of any finger shall be considered as the loss of the entire thumb or finger; **provided**, however, that in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand;

Great toe. For the loss of a great toe, twenty-six weeks;

Other toes. For the loss of one of the toes other than the great toe, eight weeks;

Phalanx of toe. The loss of the first phalanx of any toe shall be considered to be equal to the loss of one-half of the toe; and the compensation shall be one-half of the amount specified for the loss of the toe. The loss of more than one phalanx of any toe shall be considered as the loss of the entire toe;

Hand. For the loss of a hand, two hundred and twelve weeks;

Arm. For the loss of an arm, two hundred and eighty weeks;

Foot. For the loss of a foot, one hundred and seventy-three weeks;

Leg. For the loss of a leg, two hundred and forty-eight weeks;

Eye. For the loss of an eye by enucleation, one hundred and sixty weeks. For the loss of vision in an eye, one hundred and forty weeks. Loss of binocular vision or of eighty per centum of the vision of an eye shall be considered loss of vision of the eye.

Ear. For the permanent and complete loss of hearing in both ears, two hundred weeks. For the permanent and complete loss of hearing in one ear, fifty-two weeks. For the loss of both ears, eighty weeks. For the loss of one ear, forty weeks.

Loss of use. Permanent loss of the use of hand, arm, foot, leg, eye, thumb, finger, toe or phalanx shall be considered as equivalent to and draw the same compensation as the loss of a hand, arm, foot, leg, eye, thumb, finger, toe or phalanx.

Less than total loss. In cases of permanent partial disability, due to injury to a member named in this schedule, resulting in less than total loss of the member or in less than total loss of use thereof, and where the disability is not otherwise compensated in this schedule, compensation shall be paid at the rate prescribed in this schedule for the total loss of or the total loss of use of the member, and for a period to be determined as follows: The percentage of permanent partial disability to total disability for the same member in the schedule shall be determined and the compensation hereinabove prescribed shall be paid for such portion of the period hereinabove prescribed for total loss or total loss of use of the member, as such percentage of disability bears to total disability of the member.

More than one finger or toe. In cases of permanent partial disability due to the same accidental injury to the thumb and one or more fingers; or to two or more fingers of one hand; or to the great toe and one or more toes other than the great toe; or to two or more toes other than the great toe of the foot; the percentage of permanent partial disability to total disability for the hand or foot, as the case may be, shall be determined, and the compensation hereinbefore prescribed shall be paid for such portion of the period hereinbefore prescribed for total loss or

total loss of use of the hand or foot, as such percentage of disability bears to total disability of the hand or foot.

Amputation. Amputation between the elbow and the wrist shall be considered as the equivalent of the loss of a hand. Amputation between the knee and the ankle shall be considered as the equivalent of the loss of a foot. Amputation at or above the elbow shall be considered as the loss of an arm. Amputation at or above the knee shall be considered as the loss of a leg.

Scope and time of payment. The compensation for the foregoing specific injuries shall be in lieu of all other compensation, except the benefits provided in section 4415 and 4416; **provided**, however, that payments of compensation under this section shall not commence until after the period of total or partial disability shall have terminated.

Facial or head disfigurement. In case of an injury resulting in facial or head disfigurement the director may, in his discretion, make such award or compensation as he may deem proper and equitable, in view of the nature of the disfigurement, but not to exceed thirty-five hundred dollars.

Other cases. In all lesser or other cases involving permanent loss or where the usefulness of a member or any physical function is impaired, the compensation shall be sixty-six and two-thirds per centum of the average weekly wages and the duration of compensation shall bear the relation to the specific periods of time stated in the above schedule as the disabilities bear to those produced by the injuries named in the schedule. In cases in which the disability is determined as a percentage of total and permanent disability, the maximum compensation shall be computed on the basis of the corresponding percentage of \$10,500.00.

2. Temporary partial disability. Where the injury causes partial disability for work, the employer, during the disability and, except as hereinafter in this paragraph provided, for a period of two hundred and sixty weeks beginning with the first day of disability, shall pay the injured workman a weekly compensation equal to sixty-six and two-thirds per centum of the difference between his average weekly wages before the accident and the weekly wages he will most probably be able to earn thereafter, but not more than twenty-five dollars a week. In no case shall the weekly payments continue after the disability ends; and in case the partial disability begins after a period of total disability, the period of total disability shall be deducted from the total period of two hundred and sixty weeks; nor shall the amount of compensation paid in any case exceed in the aggregate the sum of ten thousand five hundred dollars. But no adjudication of disability shall be made until after two weeks from the date of injury.

3. Artificial members and other aids. In addition to the compensation hereinabove scheduled, where an injury results in the amputation of an arm, hand, leg or foot, or the enucleation of an eye, or the loss of natural or artificial teeth, or the loss of vision which may be partially or wholly corrected by the use of lenses, the employer shall furnish an artificial of each member lost and, in the case of correctable loss of vision, a set of suitable glasses; and where it is certified to be necessary, by a licensed doctor chosen by agreement of the employer and the employee, the employer shall be required to furnish such other aids, appliances or

apparatus as are required to cure or relieve the effects of the injury; when a licensed doctor, chosen as above, certifies that it is necessitated by ordinary wear, the employer may be required to repair or replace such artificial members, aids or appliances. Where an employee suffers the loss of or damage to any such artificial member, aid or appliance by accident arising out of and in the course of his employment, the employer shall repair or replace such member, aid or appliance whether or not the same was furnished initially by the employer. The pecuniary liability of the employer for such artificial limbs, aids, apparatus or supplies as may be required by this paragraph shall be limited to such charges as prevail in the same community for similar treatment of injured persons of a like standard of living when the treatment is paid for by the injured person.

4. **Maximum compensation.** The total liability of an employer for compensation under this section and under section 4416, taken together, shall not exceed in the aggregate the sum of \$10,500.00, but any amount paid for artificial members, aids or appliances under paragraph 3 of this section shall not be included in computing said sum. [L. 1915, c. 221, s. 14; am. L. 1917, c. 227, s. 5; am. L. 1923, c. 249, s. 4; R. L. 1925, s. 3617; am. L. 1933, c. 37, s. 1; R. L. 1935, s. 7493; am. L. 1937, c. 66, s. 2; am. L. 1939, c. 206, s. 2 and c. 147, s. 1 and c. 237, pt. of s. 3; am. L. 1943, c. 157, pt. of s. 1; R. L. 1945, s. 4417; am. L. 1945, c. 10, pt. of s. 1; am. L. 1947, c. 81, s. 1; am. L. 1949, cc. 112, 184, 202, ss. 1; am. L. 1951, c. 49, s. 1 (3), c. 50, s. 1.]

§§ 4417.01-.03. Accident prevention fund, etc. NEW, L. 1947, Act 81 [A-66].

§ 4417.04. Payments after death. NEW, L. 1949, Act 113 [A-125].

§ 4426. Notice of injury and claim for compensation; time limit; when unnecessary. Am. L. 1949, Act 129 [A-116].

§ 4431. Appeal boards in Hawaii, Maui and Kauai; jurisdiction; salaries and expenses. Am. L. 1949, Act 115 [A-126].

§ 4433. Rep. L. 1949, Act 115 [A-126].

§ 4435. Award. AM. L. 1945, Act 10 [A-73].

§§ 4436-37. Rep. L. 1945, Act 10 [A-73].

§ 4438. Examination by physician. Am. L. 1945, Act 10 [A-73].

§§ 4439-40. Rep. L. 1945, Act 10 [A-73].

§ 4441. Reopening case; modification of awards and agreements. Am. L. 1945, Act 10 [A-73]; am. L. 1949, Act 354 [A-127].

§ 4446. Majority control. Am. L. 1945, Act 10 [A-73].

§ 4447. Enforcement, etc. Am. L. 1945, Act 10 [A-73].

§ 4447.01. Default in payments of compensation, penalty. NEW, L. 1949, Act 206 [A-128].

§ 4448. Costs. Am. L. 1945, Act 10 [A-73].

§ 4449. Reports of injuries; other reports; penalty. Am. L. 1945, Act 10 [A-73]; AM. L. 1949, Act 115 [A-126].

§ 4449.01. Reports of physicians, surgeons and hospitals. NEW, L. 1949, Act 203 [A-129].

§ 4463. Application of this chapter to volunteer personnel. Am. L. 1949, Act 116 [A-130], rewritten p. 270.

Series A-89: ACT 48

An Act to Amend Section 4464 of the Revised Laws of Hawaii 1945, as Amended by Act 169, Session Laws of Hawaii 1947, Relating to Workmen's Compensation.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 4464 of the Revised Laws of Hawaii 1945, as amended by Act 169, Session Laws of Hawaii 1947, is hereby amended to read as follows:

"Sec. 4464. Who entitled to compensation. If a member of the Hawaii National Guard or Hawaii Territorial Guard shall suffer injury or death arising out of and in the performance of his duty therein, compensation shall be paid and medical services and supplies shall be furnished to him or his dependents, as the case may be, by the Territory for such injury or death in the manner and in the amounts provided for in this chapter for workmen's compensation, **provided**, however, that if in any case arising after the passage of this Act any such member or his dependents shall receive compensation from the federal government by reason of such injury or death, the amount of such compensation shall be deducted from the amount which may thereafter become due from the Territory." [L. 1943, c. 131, s. 1; R. L. 1945, s. 4464; am. L. 1947, c. 169, s. 1; am. L. 1951, c. 48, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 10, 1951.) S.B. 234, Act 48.

§ 4466. Appropriation. AM. L. 1949, Act 116 [A-130].

§ 4467. Rep. L. 1947, Act 169 [A-67].

§§ 4467.01-.02. Volunteer personnel, medical, etc., expense. NEW, L. 1945, Act 257 [A-75]; AM. L. 1949, Act 132 [A-131].

§ 4467.03. Administration and Procedure. NEW, L. 1945, Act 257 [A-75].

§ 4467.04. Time for giving notice. NEW, L. 1945, Act 257 [A-75].

Title 10: PUBLIC LANDS.

Chapter 78. MANAGEMENT, ETC.

§ 4502.01. Permanent register of applicants for homes in each district. NEW L. 1949, Act 254 [A-132].

Series A-90: ACT 128

An Act Amending the Third Paragraph of Section 4517 of the Revised Laws of Hawaii 1945, Relating to Public Lands and Fees for Consents to Assign, Sublet, Mortgage or Transfer Interests in the Same.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The third paragraph of section 4517 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"For consent to the assignment, sublease, mortgage or transfer of any interest in any land where such consent is required by law or by contract, ten dollars;".

Section 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 19, 1951.) H.B. 924, Act 128.

§ 4520. Special funds. AM. L. 1947, Act 107 [A-68].

§ 4521. Purchase private lands. AM. L. 1947, Act 107 [A-68].

§ 4524.01. Rights of way to sea. NEW, L. 1945, Act 96 [A-76].

§§ 4524.02-.03. Revolving fund; land improvement. NEW, L. 1947, Act 107 [A-68].

§§ 4525-26. Rep. L. 1947, Act 107 [A-68].

§ 4527. Roads, etc. AM. L. 1947, Act 107 [A-68].

§ 4565. Special homestead agreements. AM. L. 1947, J. R. 7. Approved by 80th Congress, June, 1948, 2nd Sess. Pub. 582, chap. 385.

§ 4565.01. See L. 1947, J. R. 25.

§§ 4566-88. Rep. L. 1949, J. R. 12. Approved by Congress, Sept. 1, 1950, ch. 833, Public Law 746.

§ 4601. AM. L. 1947, J. R. 7. Approved by Congress, June, 1948, 2nd Sess., ch. 385, Public Law 582.

Chapter 81 A. SURVEYOR.

Series A-91: ACT 283

An Act Relating to the Surveyor of the Territory of Hawaii.

Be it Enacted by the Legislature of the Territory of Hawaii:

[Sec. 4691.] Section 1. [Surveyor; powers and duties.] The powers and duties of the surveyor of the Territory of Hawaii shall include:

a. The powers and duties heretofore attached to the surveyor general, except such as relate to the geodetic survey of the Hawaiian islands;

b. The surveying, locating land boundaries, triangulation, mapping, subdividing, studying land titles and boundaries, preparing metes and bounds descriptions, marking land boundaries and other work related thereto of all lands owned, controlled or in the possession of the Territory of Hawaii, when such action is required in order to use, sell, lease, exchange or improve such lands, and, when requested, the performing of similar services with regard to private lands to be acquired by the Territory for public purposes; and

c. Collaborating with the territorial departments and agencies in acquiring lands required by the Territory for public purposes, the cost in connection therewith to be borne by the department or agency acquiring the land. [L. 1951, c. 283, s. 1.]

[Sec. 4692.] Section 2. [Duties of counties relating to maps, surveyors, reports.] Whenever any maps and metes and bounds descriptions are made by any county or city and county department or agency, a certified copy of such map and metes and bounds description shall be filed in the office of the surveyor of the Territory. The land surveyors employed by county and city and county departments and agencies shall perform their surveying duties in conformance with professional standards to be prescribed by the surveyor of the Territory and shall report to him from time to time as may be required. [L. 1951, c. 283, s. 2.]

[Sec. 4693.] Section 3. [Costs, fees and charges.] The office of the surveyor of the Territory shall be reimbursed for the reasonable costs incurred in furnishing supplies and performing services for any other territorial department or agency in accordance with a schedule of fees and charges approved by the director of the bureau of the budget after taking into consideration the amount of

funds available to such department or agency for such purpose, **provided**, however, that the provisions of this section shall not apply to the office of the commissioner of public lands. [L. 1951, c. 283, s. 3.]

[Sec. 4694.] Section 4. [Standards prescribed by surveyor.] All matters pertaining to land surveying, mapping, studying land titles and boundaries, preparing metes and bounds descriptions, setting centerline highway monuments and other work related thereto performed by the division of surveys and rights of way of the territorial highway department shall be performed in conformance with the professional standards to be prescribed by the surveyor of the Territory and the cost in connection therewith shall be borne by said department. [L. 1951, c. 283, s. 4.]

[Sec. 4695.] Section 5. [Assistance of private employees authorized.] The performance of work under this Act may include the employment of private land surveyors, engineers and photogrammetric engineering assistance when necessary, and the cost in connection therewith shall be borne by the department or agency concerned. [L. 1951, c. 283, s. 5.]

Section 6. All laws or parts of laws inconsistent with the terms of this Act are hereby amended to conform to the provisions of this Act.

Section 7. This Act shall take effect upon approval.

(Approved June 9, 1951.) S.B. 374, Act 283.

Title 11: PUBLIC UTILITIES.

Chapter 82. COMMISSION.

§ 4701. Definitions. Am. L. 1949, Act 366 [A-133]; am. Sp. L. 1949, Act 65 [A-17].

Series A-92: ACT 213

An Act to Increase the Compensation of Members of the Public Utilities Commission.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 4702 of the Revised Laws of Hawaii 1945 is hereby amended by substituting the word "ten" for the word "seven" in line 15 of said section.

Section 2. This Act shall take effect upon its approval.

(Approved May 28, 1951.) S.B. 535, Act 213.

§ 4703. **Employment of assistants.** AM. L. 1949, Act 179 [A-134].

§ 4705. **General powers and duties.** Am. L. 1949, Act 253 [A-135], rewritten pp. 275-6.

§ 4715. **Rate regulation.** Am. L. 1947, Act 112 [A-69].

§ 4719. **Certificates of public convenience and necessity.** AM. L. 1945, Act 189 [A-78]; Am. L. 1949, Act 366 [A-133], rewritten p. 274.

§ 4726. **Finances; public utility fees.** Am. L. 1949, Act 180 [A-136].

Title 12: PUBLIC WELFARE.

Chapter 84. DEPARTMENT GENERALLY.

§ 4802. **Responsibilities of director.** AM. L. 1949, Act 346 [A-137].

§ 4805. **Public welfare board; powers and duties.** Am. L. 1949, Act 346 [A-137].

§§ 4811-12. **Rep. L. 1949, Act 350 [A-138].**

§ 4813. **Additional funds.** AM. L. 1949, Act 350 [A-138].

Chapter 85. DEPARTMENT OF WELFARE: SPECIFIC FUNCTIONS.

Series A-93: ACT 125

An Act Relating to Public Assistance to the Blind, and Amending Sections 4821, 4848, and 4850, as Amended, of the Revised Laws of Hawaii 1945.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 4821** of the Revised Laws of Hawaii 1945 is hereby amended by changing the period at the end of line 8 thereof to a semicolon and adding thereafter the following phrase:

"provided, however, that so long as such exception is a requirement of the Social Security Act that must be complied with in order for the territory to receive federal matching funds under the program of aid to the blind, the first fifty dollars per month of earned income of a blind person shall not be taken into account in determining his ability to provide sufficient support for himself and those dependent upon him."

Section 2. Section 4848 of the Revised Laws of Hawaii 1945 is hereby amended by adding the following phrase at the end of the paragraph numbered (1) thereof:

"provided, however, that so long as such exception is a requirement of the Social Security Act that must be complied with in order for the territory to receive federal matching funds under the program of aid to the blind, the first fifty dollars per month of earned income of such person shall not be taken into account in determining need;"

Section 3. Section 4850 of the Revised Laws of Hawaii 1945, as amended by Act 113 (Series A-81) of the Session Laws of Hawaii 1945, is hereby further amended by adding thereto a new sentence to read as follows:

"In determining the needs of a blind applicant the department, so long as such exception is a requirement of the Social Security Act that must be complied with in order for the territory to receive federal matching funds under the program of aid to the blind, shall not take into consideration the first fifty dollars per month of earned income of such blind applicant."

Section 4. This Act shall take effect July 1, 1952.

(Approved May 19, 1951.) H.B. 872, Act 125.

The third paragraph of § 4821, as so amended, reads:

"Public assistance" shall mean money payments to, or for the benefit of, aged persons, blind persons, dependent children, and other persons whom the department has determined to be unable to procure or provide sufficient support for themselves and those dependent upon them; **provided, however, that so long as such exception is a requirement of the Social Security Act that must be complied with in order for the territory to receive federal matching funds under the program of aid to the blind, the first fifty dollars per month of earned income of a blind person shall not be taken into account in determining his ability to provide sufficient support for himself and those depended upon him.**

§ 4848, as so amended, reads:

Sec. 4848. Blind persons. A person shall be eligible for public assistance who:

(1) Is in need and has not sufficient income or other resources to provide a subsistence compatible with decency and health; **provided, however, that so long as such exception is a requirement of the Social Security Act that must be complied with in order for the territory to receive federal matching funds under the program of aid to the blind, the first fifty dollars per month of earned income of such person shall not be taken into account in determining need.**

(2) Has resided in the Territory for at least one year immediately preceding application for assistance, except where a longer period is required by and for the purposes of section 4832; and

(3) Has vision in the better eye, with corrective glasses, of less than twenty two-hundredths or a disqualifying field defect sufficient to incapacitate him for self-support. [L. 1941, c. 296, pt. of s. 1; am. L. 1951, c. 125, s. 2.]

§ 4850, as so amended, reads:

Sec. 4850. Determination of amount of assistance. The amount of public assistance granted, including funds received from the federal government, shall not exceed in the case of any applicant an amount in excess of that determined upon investigation or by the decision of the department to be compatible with maintaining decency and health. In granting public assistance to an aged or blind person the department may take into consideration part or all of the needs of such person's dependents, provided they are eligible for public assistance; in the event that such grant has taken into consideration only part of the needs of such dependents such grant shall be without prejudice to a separate grant of assistance to such dependents or any of them, as may be proper upon consideration of their remaining needs and in compliance with the provisions of this chapter. In determining the needs of a blind applicant the department, so long as such exception is a requirement of the Social Security Act that must be complied with in order for the Territory to receive federal matching funds under the program of aid to the blind shall not take into consideration the first fifty dollars per month of earned income of such blind applicant. [L. 1941, c. 296, pt. of s. 1; R. L. 1945, s. 4850; am. L. 1945, c. 113, s. 2; am. L. 1951, c. 125, s. 3.]

Series A-94: ACT 226

An Act Amending Section 4825 of the Revised Laws of Hawaii 1945, Relating to the Protection of Records and Confidential Information of Public Welfare Cases.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 4825*** of the Revised Laws of Hawaii 1945 is hereby amended by inserting between the next to last and last sentences thereof a new sentence to read as follows:

"Such information shall be considered privileged and shall not be released without the specific written waiver of the applicant or recipient concerned at any stage or in any form in a judicial or administrative proceeding, either voluntarily or as a result of any subpoena or judicial process except where such proceeding is for purposes directly connected with the administration of old age assistance, aid to dependent children, aid to the blind or other forms of public assistance."

Section 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 28, 1951.) H.B. 876, Act 226.

* § 4825, as so amended, reads:

Sec. 4825. Protection of records; divulging confidential information prohibited. It shall be the duty of the department and its agents to keep such case records as may be necessary or proper in accordance with the provisions of this chapter. All applications and records concerning any applicant or recipient shall be confidential and shall be open to inspection only (a) by persons duly authorized by the Territory or the United States in connection with their official duties, when such official duties are directly connected with the administration of old age assistance, aid to dependent children, aid to the blind or other forms of public assistance, of the class to which such applications or records relate, or (b) by employees, acting within the scope and course of their employment, of such recognized social welfare organizations as may be approved by the department, and there is hereby conferred upon the department and its agents the authority and duty to determine whether or not such inspection is in connection with such official duties or within the scope and course of such employment. The department shall promulgate and enforce such rules as may be necessary to prevent improper acquisition or use of such confidential information. Any information secured pursuant to this section by such officials or employees may be used in connection with their official duties or within the scope and course of their employment but not otherwise, and shall be kept in confidential records or files, which shall not be subject to any other law permitting inspection of public records. Such information shall be considered privileged and shall not be released without the specific written waiver of the applicant or recipient concerned at any stage or in any form in a judicial or administrative proceeding, either voluntarily or as a result of any subpoena or judicial process except where such proceeding is for purposes directly connected with the administration of old age assistance, aid to dependent children, aid to the blind or other forms of public assistance. The use of the records, papers, files and other communications of the department or its agents by any other agency or department of government to which they may be furnished shall be limited to the purposes for which they are furnished. [L. 1941, c. 296, pt. of s. 1; am. L. 1943, c. 113, s. 1; R. L. 1945, s. 4825; am. L. 1951, c. 226, s. 1.]

§ 4827. Duties. Am. L. 1945, Act 113 [A-81], Act 157 [A-79].

§ 4828. Medical, etc. Am. L. 1945, Act 161 [A-80]; am. L. 1947, Act 22 [A-70], rewritten p. 158.

Series A-95: ACT 24

An Act Relating to Non-Diseased Children of Hansen's Disease Patients, Transferring the Care, Control and Custody of Such Children from the Board of Health to the Department of Public Welfare.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 2436** of the Revised Laws of Hawaii 1945, as amended by Act 53 Series (A-72) of the Session Laws of Hawaii 1949, is hereby repealed.

Section 2. Chapter 85 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding a new section thereto to be numbered and to read as follows:

"Sec. 4829.01. Care, control and custody of non-diseased children of parents suffering from Hansen's disease. All non-diseased children of parents, one or both of whom are suffering from Hansen's disease are declared wards of the Territory and placed in the care, custody and control of the department during minority; **provided**, that the department shall permit any child born to parents, one of whom is non-diseased, to reside with its non-diseased parent, provided such parent is capable of caring for, educating and maintaining such child; **provided**, further, that the department may allow any non-diseased child to reside with such suitable family or person, as may be for the best interest of such minor and the public welfare; and **provided**, further, that the department may allow any suitable person to adopt any non-diseased child; but if one or both of such child's parents are living, the department shall first secure his or their written consent. Any non-diseased child, whether he resides with his non-diseased parent or with a suitable family or person, or with his adopted parent or parents shall be subject to medical examination from time to time as the board of health may deem necessary." [L. 1951, c. 24, s. 2.]

Section 3. In the event of passage of this Act, any amounts appropriated for the board of health for the 1951-1953 biennium which have been budgeted for the care, custody and control of such non-diseased children, shall be transferred to the department of public welfare.

Section 4. This Act shall take effect July 1, 1951.

(Approved May 4, 1951.) S.B. 171, Act 24.

§ 4830. Authority over and investigation of persons, organizations and institutions caring for or placing dependent children. AM. L. 1949, Act 353 [A-139].

Series A-96: ACT 169

An Act Relating to Public Assistance to the Blind, and Amending Section 4834 of the Revised Laws of Hawaii 1945.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 4834** of the Revised Laws of Hawaii 1945 is hereby amended by amending the second paragraph thereof to read as follows:

"No applicant shall be entitled to public assistance under this chapter who has sufficient income or other resources to provide a subsistence compatible to decency and health, or who is an inmate of any institution established primarily for tuberculosis or mental illness, or for detention or forcible confinement or correction; or who is an inmate of any public institution of a non-curative character, but an inmate of such an institution mentioned in this section may apply for assistance to begin after his discharge from such an institution."

Section 2. **Section 4834** of the Revised Laws of Hawaii 1945, is further amended by adding thereto a new paragraph to read as follows:

"In determining the needs of a blind applicant the department, so long as such exception is a requirement of the Social Security Act that must be complied with in order for the territory to receive federal matching funds under the program of aid to the blind, shall not take into consideration the first fifty dollars per month of earned income of such blind applicant." [L. 1941, c. 296, pt. of s. 1; R. L. 1945, s. 4834; am. L. 1951, c. 169, ss. 1, 2.]

Section 3. This Act shall take effect on July 1, 1951.

(Approved May 26, 1951.) **H.B. 875, Act 169.**

The first part of § 4834, to which above amendment is added, reads:

Sec. 4834. Applications, manner, form, conditions. Applications for public assistance under this chapter shall be made to the department by the applicant, or by someone acting in his behalf, in the manner, place and form prescribed by the department.

Series A-97: ACT 137

An Act Amending Section 4839 of the Revised Laws of Hawaii 1945, as Amended, Relating to Fraudulent or Improper Obtaining of Public Assistance.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 4839** of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by amending the second paragraph thereof to read as follows:

"If, at any time while the recipient of public assistance is receiving such assistance, he acquires funds or income from any source, and fails to report the amount and source of such funds or income within thirty days of the receipt of same and prior to spending or otherwise disposing of all or any portion of the same, he shall be deemed guilty of fraud and be subject to the penalties provided by section 4843, and in addition thereto may forfeit all right to public assistance, which the department may cancel for a period of at least six months following the acquisition of such funds or income or the discovery by the department thereof, whichever is later in time. Any assistance paid after receipt of funds or income which has not been reported to the department as herein required, shall be recoverable by the territory as a debt due the territory, or, restitution of the amount of same may be ordered by the court following a conviction under section 4843." [L. 1941, c. 296, pt. of s. 1; R. L. 1945, s. 4839; am. L. 1949, c. 308, s. 1; am. L. 1951, c. 137, s. 1.]

Section 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 21, 1951.) **H.B. 1112, Act 137.**

The first part of § 4839, preceding the above amendment, reads:

Sec. 4839. Assistance improperly obtained, inquiry, suspension. If at any time the department has reason to believe that any public assistance has been improperly obtained, it may cause special inquiry to be made by the county attorney and may suspend payment of such assistance pending the inquiry. If, on inquiry, and after the recipient has had reasonable notice and an opportunity for a fair hearing, it appears that the assistance was improperly obtained, it shall be cancelled and the person whose assistance has been cancelled shall be disqualified from making new application for such period as may be determined by the department. If it appears that the assistance was properly obtained, the suspended payment shall be payable in due course. (Here follows above amendment of 1951.)

Series A-98: ACT 138

An Act Amending Section 4843 of the Revised Laws of Hawaii 1945, Relating to Penalties for Frauds in Connection with Public Assistance.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 4843 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 4843. Frauds, etc., penalties. Any person who by means of a wilfully false statement or representation, or by impersonation, or other fraudulent device, obtains or attempts to obtain, or aids or abets any other person to obtain public assistance to which he is not justly entitled, or a larger amount of assistance than that to which he is justly entitled: or any recipient who buys or disposes of real property or any person who knowingly aids or abets a recipient in the purchase or sale of real property without the consent of the department, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars or be imprisoned for not more than one year or both. In addition, the court may order restitution of the amount of moneys so obtained.

The term 'recipient' shall include any person to whom a grant of public assistance is made by direct payment, and any person for whose use and benefit a grant of public assistance is made by payment to a relative or other person." [L. 1941, c. 296, pt. of s. 1; R. L. 1945, s. 4843; am. L. 1951, c. 138, s. 1.]

Section 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 21, 1951.) H.B. 1113, Act 138.

Series A-99: ACT 71

An Act Relating to Public Assistance to Aged Persons, and Amending Section 4847 of the Revised Laws of Hawaii 1945.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 4847 of the Revised Laws of Hawaii 1945 is hereby amended by adding at the end thereof the following additional paragraphs:

"The department may require, as a condition to grant-

ing assistance to any person under the provisions of this section who owns or has any interest in real property, that the said person shall enter into an agreement with the department that all such grants of assistance shall be and constitute a lien against the said interest in real property, and shall remain a lien until satisfied and discharged. No assistance shall be granted to any such person whose spouse shall refuse to join in said agreement releasing dower or curtesy and waiving any community property right or claim against the said person's interest in real property; **provided**, the department may waive the requirement of joinder of the spouse where there is a showing of good and sufficient cause therefor.

The agreement shall be filed in the bureau of conveyances, or in the office of the assistant registrar of the land court. From and after the filing in the bureau of conveyances the lien shall attach to all interests in real property then owned by the person and not registered in the land court, and from and after the filing thereof in the office of the assistant registrar of the land court the lien shall attach to any such interest in land then registered therein; **provided**, the agreement is noted upon the land court certificate of title in the office of the assistant registrar of the land court. The lien shall be for all amounts of assistance then or thereafter paid in accordance with the provisions of this section.

It shall be the duty of the department to issue certificates of release or partial release upon satisfaction or partial satisfaction of the lien. No fees shall be charged for any filing.

The lien herein provided for shall take priority over any other lien subsequently acquired or recorded except tax liens and except that, in the estate of a beneficiary, a claim for funeral expenses in an amount not in excess of one hundred and twenty-five dollars for burial, the expense of the last sickness, the cost of administration and the allowance made to the widow and children for their support for six months following the death of said beneficiary, shall have priority and preference over the lien herein imposed, and over any claim against an estate filed under section 4842.

Such lien shall be enforceable by the department by suit in equity, or shall be enforceable as a claim against the estate of the recipient under section 4842, having priority over all other debts except taxes, costs of administration, said funeral expenses, the expense of last sickness and said allowance made to the widow and children for their support for six months.

Such lien shall not be enforced against the home of a beneficiary while it is being occupied by such beneficiary

or by any surviving spouse who has not remarried, or by any surviving minor child or any physically or mentally handicapped child of the recipient, except that such lien shall be enforceable as a claim under section 4842 against the estate of a recipient under any circumstances if the estate is admitted to probate at the instance of any interested party other than the department.

Whenever the department is satisfied that the collection of the amount of assistance paid a recipient will not be jeopardized or that the release of waiver of the priority of the lien against his property, in whole or in part, is necessary to provide for the maintenance or support of the recipient, his spouse, or any minor or incapacitated child, it may release or waive the priority of such lien with respect to all or any part of the real property.

The recipient, his heirs, personal representative or assigns may discharge such lien at any time by paying the amount thereof to the department which shall execute a satisfaction thereof. The department may at its discretion compromise the collection of any such lien, but such compromise shall be made only when the collection of the full amount of the lien or claim would cause undue hardship or the lien or claim is otherwise uncollectible.

The proceeds from the enforcement, payment or compromise of such lien shall be paid into the treasury of the territory. If the amount of assistance reflected by such proceeds was paid in part by federal funds, the proper portion thereof shall be paid by the treasurer of the territory into the treasury of the United States and the treasurer shall thereupon report such payment to the department. As to such proceeds not so paid into the treasury of the United States, the same shall be credited by the treasurer to the department for expenditure for assistance without need for further appropriation.

If at any time the federal government, or any agency or instrumentality thereof, shall require, as a condition to any grant of assistance, the performance of conditions inconsistent with the provisions of this section, or a desisting from actions provided by this section, the governor may, upon a finding to that effect and to the extent of such requirement, suspend any provisions of this section to the end that such federal assistance may be received." [L. 1941, c. 296, pt. of s. 1; R. L. 1945, s. 4847; am. L. 1951, c. 71, s. 1.]

Section 2. This Act shall take effect July 1, 1951.

(Approved May 16, 1951.) H.B. 1115, Act 71.

§ 4848. Blind persons. Am. L. 1951, Act 125 [A-93], supra.

Series A-100: ACT 126

An Act Amending Part II of Chapter 85 of the Revised Laws of Hawaii 1945, as Amended, and Relating to Aid to the Permanently and Totally Disabled.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Part II of chapter 85 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by amending the title thereof to read as follows:

“Part II: Public assistance to: the aged, the blind, dependent children, the permanently and totally disabled, and welfare services.”

Section 2. Part II of chapter 85 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto a new section, to be numbered and to read as follows:

“Sec. 4849.01. Aid to the permanently and totally disabled. A person shall be eligible for public assistance who:

(1) Is in need and has not sufficient income or other resources to provide a subsistence compatible with decency and health;

(2) Has attained the age of 18 years; and

(3) Is permanently and totally disabled, as such may be defined from time to time in the Federal Social Security Act and Federal Rules and Regulations pertaining thereto.”
[L. 1951, c. 126, s. 2.]

Section 3. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 19, 1951.) H.B. 873, Act 126.

§ 4850. Determination of amount of assistance. AM. L. 1945, Act 113 [A-81]; am. L. 1951, Act 125 [A-93], supra.

Series A-101: ACT 46

An Act Amending Section 4853 of the Revised Laws of Hawaii 1945, as Amended, Relating to Examinations of the Blind for Public Assistance.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 4853 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended, by changing the period

at the end of the first sentence thereof to a semicolon and inserting thereafter the following:

“provided, however, that so long as the alternate choice of being examined by an optometrist is a requirement of the Social Security Act that must be complied with in order for the territory to receive federal matching funds under the program of aid to the blind, the blind applicant for public assistance shall have the alternate choice of being examined by an optometrist.”

Section 2. This Act shall take effect upon its approval.

(Approved May 5, 1951.) H.B. 874, Act 46.

§ 4853. Examination of blind. Am. L. 1945, Act 113 [A-81].

§ 4853, as so amended, reads:

Sec. 4853. Examination of blind. The department shall not approve an application for public assistance to a blind person until the applicant has been examined by an ophthalmologist or a qualified physician designated by it to make such examinations; **provided, however, that so long as the alternate choice of being examined by an optometrist is a requirement of the Social Security Act that must be complied with in order for the territory to receive federal matching funds under the program of aid to the blind, the blind applicant for public assistance shall have the alternate choice of being examined by an optometrist.** The examining person shall certify to the department the diagnosis, prognosis, and visual acuity of the applicant. Certification shall be on forms prescribed by the department. It is **provided, however, that in administering this section, the department shall cooperate as far as possible with the bureau of sight conservation and work with the blind.** [L. 1941, c. 296, pt. of s. 1; R. L. 1945, s. 4853; am. L. 1945, c. 113, s. 3; am. L. 1951, c. 46, s. 1.]

§§ 4857-62. Renumbered §§ 4872-77. L. 1945, Act 113 [A-81].

Series A-102: ACT 291

An Act Amending Section 4863 of the Revised Laws of Hawaii 1945, Requiring Recipients of General Assistance to Work on Public Work Projects as a Condition of Receiving Aid.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 4863 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

“Sec. 4863. Persons not otherwise provided for. The department shall administer public assistance to those needy persons not otherwise provided for under this chapter, who for any reasons satisfactory to the department are

unable to provide sufficient support for themselves or those dependent upon them. It shall be the duty of the department to require all physically fit persons, as a condition of receiving general assistance, to register for work on public work projects and to accept such employment as may be offered to them. The term 'public work projects' shall include any kind of labor under the department of public works of the territory or of any county, or under any other department, board, commission or agency of the territory or any county. All such agencies shall be authorized to employ persons registering under the provisions of this section. Such persons shall be employed on a per diem or hourly basis at reasonable rates of compensation without regard to the provisions of chapter 3, but such work shall not be required beyond eight hours a day or five days a week, nor shall the earnings of any such person for any month exceed the amount determined by the department as the proper amount of general assistance. Such earnings shall not be deemed compensation within the meaning of any territorial law, nor be subject to execution, garnishment, attachment, or any other process whatsoever, nor shall they be assignable. Except for the purposes of the workmen's compensation law, such persons shall not be deemed to be employees of the territory or any county, nor shall the provisions of the laws relating to civil service, classification, retirement, vacation, sick leave, and other matters relating to regular public employees be deemed to apply to such persons. Payment for such work shall not be made from the funds of the agency employing such persons but shall be made from the funds of the department. The department shall promulgate such rules and regulations as it may deem necessary to enforce and carry out the provisions of this section." [L. 1941, c. 296, pt. of s. 1; R. L. 1945, s. 4863; am. L. 1951, c. 291, s. 1.]

Section 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved June 9, 1951.) H.B. 157, Act 291.

Chapter 85.01. BUREAU OF SIGHT CONSERVATION AND WORK WITH THE BLIND.

§ 4871. Bureau created; appointment of director and subordinates; general powers. NEW, L. 1945, Act 113 [A-81].

§ 4871.01. Vocational rehabilitation of blind. NEW, L. 1945, Act 125 [A-82].

§ 4872. Registration of blind. Renumbered L. 1945, Act 113 [A-81]. Formerly § 4857.

§§ 4872.01-.04. Definitions. NEW, L. 1947, Act 108 [A-71].

§ 4873. Cause and prevention of blindness, examinations. Renumbered L. 1945, Act 113 [A-81]. Formerly § 4858.

Series A-103: ACT 259

An Act to Amend Section 4874 of the Revised Laws of Hawaii 1945, Relating to Workshops for the Blind, by Providing for Workmen's Compensation for Blind Workmen.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 4874* of the Revised Laws of Hawaii 1945, (formerly Section 4860) as amended by Act 113 (Series A-81) of the Session Laws of 1945, is hereby amended by replacing the period at the end thereof with a semicolon and placing at the end thereof the following:

"provided, however, that blind persons employed in such workshops shall come under and be entitled to all the benefits of chapter 77 of the Revised Laws of Hawaii 1945, as amended, relating to workmen's compensation, the cost of which shall be borne by the territorial insurance fund."

Section 2. This Act shall take effect July 1, 1951.

(Approved June 1, 1951.) H.B. 956, Act 259.

*§ 4874. Agencies for information and industrial aid. Renumbered L. 1945, Act 113 [A-81].

§ 4875. Workshops. Renumbered L. 1945, Act 113 [A-81].

§§ 4876-7. Renumbered L. 1945, Act 113 [A-81]. Formerly §§ 4861-62.

§§ 4878-9. Medical care, etc. NEW, L. 1945, Act 113 [A-81].

§§ 4879.01-.02. Blind on common carriers. NEW, L. 1945, Act 265 [A-83].

§ 4879.03. Blind guide, etc. NEW, L. 1947, Act 109 [A-72].

§§ 4880.01-.03. Blind, protection of. NEW, L. 1947, Act 35 [A-73].

* Note: "4874" should read "4875", see L. 1945, Act 113 [A-81].

Title 13: PUBLIC WORKS.

Chapter 86. DEPARTMENT.

§ 4901. Superintendent. Am. L. 1947, Act 180 [A-74].

§§ 4905-07. Rep. L. 1949, Act 185 [A-32].

Chapter 86 A. AERONAUTICS COMMISSION.

§§ 4915.01-.02. Definitions, declaration of purpose. NEW, L. 1947, Act 32 [A-75].

§ 4915.03. Aeronautics commission (a) Creation, membership. NEW, L. 1947, Act 32 [A-75]; am. L. 1949, Act 360 [A-141].

§§ 4915.04-.07. Development, legislation, etc. NEW, L. 1947, Act 32 [A-75].

§ 4915.08. Operation and use privileges. NEW, L. 1947, Act 32 [A-75]; am. L. 1949, Act 374 [A-142].

§§ 4915.09-.20. Federal aid, contracts, etc. NEW, L. 1947, Act 32 [A-75].

Chapter 87. AERONAUTICS, UNIFORM LAW FOR.

§ 4930. Rep. L. 1947, Act 32 [A-75].

Series A-104: ACT 3

An Act Amending Section 1 of Act 31 of the Session Laws of Hawaii 1947, Relating to the Name of Honolulu Airport.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 1 [Sec. 4931.01.] of Act 31 of the Session Laws of Hawaii 1947, is hereby amended by inserting the word "International" between the words "Honolulu" and "Airport" so as to read "Honolulu International Airport."

Section 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved April 11, 1951.) H.B. 704, Act 3.

§ 4931.01. Honolulu Airport. NEW, L. 1947, Act 31 [A-76].

§ 4931.02. John Rodgers Terminal. NEW, L. 1947, Act 31 [A-76].

§ 4931.03. Kona Airport. NEW, L. 1949, Act 32 [A-143].

§ 4932. Rep. L. 1947, Act 32 [A-75].

§ 4934. Reckless operation, aircraft. NEW, L. 1947, Act 32 [A-75].

Chapter 87 A. AIRPORT ZONING.

§ 4935.01. Airport zoning, definitions. NEW, L. 1945, Act 182 [A-85]; am. L. 1947, Act 32 [A-75].

§§ 4935.02-.15. Airport zoning. NEW, L. 1945, Act 182 [A-85].

Chapter 88. COMBUSTIBLES.

Series A-105: ACT 101

An Act Transferring Regulation of the Manufacturing, Sale, Possession, and Use of Explosives and the Appropriation for and the Personnel engaged in Such Regulation from the Department of Public Works to the Department of Labor and Industrial Relations; Amending Chapter 76A of the Revised Laws of Hawaii 1945, as Enacted by Act 64 of the Session Laws of Hawaii 1947, as Amended, and Chapter 88 of the Revised Laws of Hawaii 1945, to Accomplish Such Purpose; and making an Appropriation.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The title of chapter 88 of the Revised Laws of Hawaii 1945 is hereby amended by deleting therefrom the words "Explosive and", and said chapter is hereby amended in the following respects:

(1) By amending section 4941 to read:

"Sec. 4941. Definitions; combustibles under regulation of superintendent. As used in this chapter:

'Combustibles' mean petroleum and its derivatives, lacquer and paint thinners or solvents, acetone, alcohols, turpentine and any other liquid or solid substances which, at ordinary temperatures and in the presence of air or water, or both, create or give off inflammable or explosive gases.

'Superintendent' means the superintendent of public works of the territory and his authorized subordinates.

'Person' means any natural person, partnership, association or corporation.

Subject to the provisions of this chapter the superintendent of public works shall have complete charge, supervision, control and regulation over the manufacture, dealing in, possessing, using, keeping, storing, testing, handling, transporting, selling and purchasing of all combustibles, but

subject to the power of the territorial fire marshal to establish minimum requirements as by law provided." [L. 1911, c. 152, s. 1; R. L. 1925, s. 863; R. L. 1935, s. 1770; am. L. 1941, c. 326, pt. of s. 1; R. L. 1945, s. 4941; am. L. 1951, c. 101, s. 1(1).]

(2) By deleting from lines four and eight of **section 4942** the word "explosives".

(3) By adding a new paragraph to **section 4943**, to be numbered 10 and to read:

"10. Any permit issued under this section may be revoked or suspended by the superintendent on any ground specified as a ground for denying an application, and for any violation of the provisions of this chapter or the rules and regulations of the superintendent."

Section 2. Sections 4946 to 4953, inclusive, of the Revised Laws of Hawaii 1945 are hereby removed from chapter 88 of said Revised Laws, renumbered respectively as sections 4393.11 to 4393.18, and inserted as a new subtitle "Explosives" in chapter 76A of said Revised Laws, as enacted by Act 64 of the Session Laws of Hawaii 1947, as amended, and said sections are hereby amended in the following respects:

(1) By inserting a new paragraph between the first and second paragraphs of **section 4946**, renumbered **4393.11**, to read:

"As used in this subtitle 'person' means any natural person, partnership, association or corporation; 'manufacturer' means any person who is engaged in the manufacture of explosives or who otherwise produces any explosive; and 'dealer' means any person, not a manufacturer, engaged in the business of buying and selling explosives."

(2) By substituting for the word "superintendent" whenever it appears in **sections 4946 to 4951, inclusive**, renumbered as **sections 4393.11 to 4393.16**, the word "director".

(3) By substituting for the word "superintendent" in the third and fourth lines of **section 4952**, renumbered **4393.17**, the word "director", and by substituting for the word "superintendent" in the last line of said section the word "commission".

(4) By substituting for the word "chapter" in the second line of **section 4953**, renumbered **4393.18**, the word "subtitle", and by substituting for the word "superintendent" in the third line of said section the word "director".

Section 3. Three new sections, to be numbered 4393.19, 4393.20, and 4393.21 respectively, are hereby added to chapter 76A of the Revised Laws of Hawaii 1945, as enacted by Act 64 of the Session Laws of Hawaii 1947, as amended, following the sections inserted in said chapter by section 2 hereof, and to read:

"Sec. 4393.19. Exceptions. The provisions of this subtitle shall not apply to the armed forces of the United States, the national guard or employees of the United States or of the territory or its political subdivisions who are authorized by the United States or the territory or its political subdivisions to handle explosives. [L. 1951, c. 101, pt. of s. 3.]

Sec. 4393.20. Appeals. An appeal may be taken from any action of the director to the labor and industrial relations appeal board under the provisions of section 4110. Any person deeming himself aggrieved by the decision of the appeal board shall have the same right to appeal therefrom, in the same manner and upon the same conditions, as is provided for by section 4413 with respect to appeals from decisions of the commission. [L. 1951, c. 101, pt. of s. 3.]

Sec. 4393.21. Violations; penalty. Any person who violates any provision of this subtitle shall be guilty of a misdemeanor and punishable by a fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, or by both fine and imprisonment." [L. 1951, c. 101, pt. of s. 3.]

Section 4. Upon the effective date of this Act, all records and equipment of the department of public works pertaining to the regulation of the manufacturing, sale, possession, and use of explosives and the incumbent in the position designated as P.C.B. No. 4368 shall be forthwith transferred to the department of labor and industrial relations, without loss of vacation allowance, service credit, and other rights and privileges on the part of said incumbent.

Section 5. Any other provisions of law to the contrary notwithstanding, all funds which may be appropriated to the department of public works for the position designated as P.C.B. No. 4368 are hereby transferred to and shall be expended by the department of labor and industrial relations. The sum of \$3,715.00 is hereby appropriated for the purpose of paying that portion of the salary for said position now paid from special funds of the department of public works.

Section 6. This Act shall take effect on July 1, 1951.

(Approved May 18, 1951.) H.B. 975, Act 101.

Chapter 89. FEDERAL AID HIGHWAYS.

- § 4963. Engineer's duties. Am. L. 1947, Act 180 [A-74].
§ 4964. Engineer's powers. Am L. 1947, Act 73 [F-210].
§ 4964.01. Signs. NEW, L. 1945, Act 172 [A-86].
§§ 4970-71. Rep. L. 1945, Act 82 [A-87].
§ 4972. Maintenance. AM. L. 1945, Act 82 [A-87].
§ 4973. Rep. L. 1945, Act 82 [A-87].
§§ 4973.01-07. Permits to dig up. NEW, L. 1945, Act 173 [A-88].
§§ 4973.01-06. Post-War Highways. NEW, L. 1945, Act 164 [A-89].
-

Chapter 90. HARBORS.

Series A-106: ACT 22

An Act to Amend Section 4981 of the Revised Laws of Hawaii 1945, Relating to the Board of Harbor Commissioners.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 4981 of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"Sec. 4981. Appointment of commissioners; jurisdiction.

All ocean shores below mean highwater mark, shore waters and navigable streams, and all harbors and roadsteads, and all harbor and waterfront improvements, belonging to or controlled by the Territory, and all shipping within such harbors, roadsteads, waters and streams shall be under the care and control of a board of harbor commissioners. The board shall consist of seven members, one of whom shall be the superintendent of public works who shall be chairman, ex officio, and six of whom shall be appointed by the governor as provided in section 80 of the Organic Act, three of whom shall be residents of the city and county of Honolulu, one a resident of the county of Hawaii, one a resident of the county of Maui, and the other a resident of the county of Kauai. Of the six members so appointed, three shall be appointed for a term to expire June 30, 1953 and three for a term to expire June 30, 1955. After the expiration of said terms, every appointment shall be for a term of four years except that any vacancy occurring before the expiration of a term shall be filled for the unexpired term.

In the absence of the chairman, the members of the board so appointed shall designate one of the members to act as chairman." [L. 1911, c. 163, s. 1; am. L. 1915, c. 169, s. 1;

ratified, approved and confirmed March 28, 1916, 39 Sts. at L. 39, c. 54; R. L. 1925, s. 832; R. L. 1935, s. 1730; am. L. 1941, c. 142, s. 1; R. L. 1945, s. 4981; am. L. 1951, c. 22, s. 1.]

Section 2. Nothing in this Act contained shall change the term of office of any incumbent member of such commission.

Section 3. This Act shall take effect upon its approval.

(Approved May 4, 1951.) S.B. 8, Act 22.

§ 4982. Secretary; director. Am. L. 1947, Act 228 [A-77].

§ 4983.01. Drawbridge across second channel into Honolulu harbor. NEW, L. 1949, Act 105 [A-144].

§ 4990. Wharfingers. Am. L. 1945, Act 112 [A-90].

§ 4994.01. Limitation of private use of shores or shore waters. NEW, L. 1949, Act 119 [A-145].

Series A-107: ACT 239

An Act Relating to the Board of Harbor Commissioners, Creating a Fund for Small Boat Harbor Maintenance and Operation, and Amending Chapter 90, as Amended, of the Revised Laws of Hawaii 1945.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 90, as amended, of the Revised Laws of Hawaii 1945, is hereby further amended in the following particulars:

1. By further amending section 4996, as amended, by substituting for the words "the general fund of the Territory" appearing in the fifth and sixth lines of subsection (b), the words "the small boat harbor maintenance fund, which fund is hereby created".

2. By adding thereto a new section to be numbered 4998.02, to read as follows:

"Sec. 4998.02. Maintenance of small boat harbors. The cost of maintenance and operation of properties under the control and management of the board which are used principally for recreation and the landing of fish (except properties under the control and management of the board at Kewalo, Ewa of Ala Moana Park, Honolulu) shall be paid from the small boat harbor maintenance fund; **provided,** however, if funds collected from the operation of the foregoing facilities for recreation and the landing of fish are insufficient to meet all such costs of operation and maintenance, the board may transfer from the harbor board

special fund to the small boat harbor maintenance fund, for the purposes thereof, sums not in excess of fifteen thousand dollars per annum. No transfer shall be made if the balance remaining in the harbor board special fund after the transfer would not be adequate to meet all of the purposes of section 4998." [L. 1951, c. 239, pt. of s. 1.]

Section 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 28, 1951.) S.B. 578, Act 239.

§ 4996. Rates. AM. L. 1947, Act 72 [A-78].

§ 4997. Rep. L. 1947, Act 72 [A-78].

§ 4998. Special fund. AM. L. 1945, Act 112 [A-90]; AM. L. 1947, Act 72 [A-78].

§ 4998.01. Expenditures. NEW, L. 1947, Act 72 [A-78].

§§ 5007-11. Rep. L. 1949, Act 127 [B-207].

Chapter 91. RADIO CONTROL.

§ 5021. Radio board. Am. L. 1947, Act 180 [A-74].

Chapter 92. RAILWAY LAW.

§ 5044. Compensation to be made. Am. L. 1951, Act 12 [A-8].

§§ 5046-56. Rep. L. 1951, Act 12 [A-8].

§ 5057. To be sold. Am. L. 1951, Act 12 [A-8].

Title 14: TAXATION.

Chapter 94. ADMINISTRATION AND REAL PROPERTY.*

§ 5101. Definitions. AM. L. 1945, Act 79 [A-91].

Series A-108: ACT 133

An Act Relating to Taxation, Amending Chapters 94 and 95 of the Revised Laws of Hawaii 1945.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 5104** of chapter 94 of the Revised Laws of Hawaii 1945, as amended by Acts 79 and 196 of the Session Laws of Hawaii 1945, is hereby further amended by adding thereto a new paragraph 16 to read as follows:

* See note following Act 323 [A-112], for all amendments to this chapter.

"16. Remission of delinquency penalties and interest. Except in cases of fraud or wilful violation of the laws or wilful refusal to make a return setting forth the information required by law (but inclusion in a return of a claim of non-liability for the tax shall not be deemed a refusal to make a return), the commissioner may remit any amount of penalties or interest added, under any law administered by the commissioner, to any tax that is delinquent for not more than ninety days, in a case of excusable failure to file a return or pay a tax within the time required by law, or in a case of uncollectibility of the whole amount due; and in any such case there shall be placed on file in his office a statement showing the name of the person receiving such remission, the principal amount of the tax, and the year or period involved." [L. 1932, 2d, c. 40, ss. 18, 20, 57, 58; R. L. 1935, s. 1907; R. L. 1945, s. 5104; am. L. 1945, c. 79, s. 2 and c. 196, s. 1; am. L. 1951, c. 133, s. 1.]

Section 2. Section 5105 of chapter 94 of the Revised Laws of Hawaii 1945, as amended by Act 79 of the Session Laws of Hawaii 1945, is hereby further amended in the following respects:

(A) By deleting from the seventh and eighth lines thereof the words "designated in the following schedule for his respective office.", and by inserting in lieu thereof the following: "required for his office as hereinafter provided."

(B) By deleting therefrom the second paragraph and the schedule, and by inserting in lieu thereof the following:

"The tax commissioner shall give bond as aforesaid in the amount of \$100,000.00, and each of the other said officers shall give bond in such amount as the tax commissioner upon consideration of said officer's duties and, in the case of an assessor or collector, the district for which he is appointed, shall prescribe."

Section 3. Section 5133 of chapter 94 of the Revised Laws of Hawaii 1945 is hereby amended by amending the first paragraph thereof to read as follows:

"Sec. 5133. Records of delinquent taxes, uncollectible delinquent taxes. Each tax collector shall prepare and maintain in his office open to public inspection, a complete record of the amounts of taxes assessed in his division that have become delinquent, with the name of the delinquent taxpayer in each case, but it shall not be necessary to periodically compute on said records the amount of penalties and interest upon said delinquent taxes."

Section 4. **Section 5149*** of chapter 94 of the Revised Laws of Hawaii 1945, as amended by Act 64 of the Special Session Laws of Hawaii 1949, is hereby further amended in the following respects:

(A) By inserting in the proviso a new subparagraph (3) to read as follows:

“(3) That where the taxpayer has acquired his home by a deed made on or after July 1, 1951, said deed shall have been recorded prior to January 1 of the year for which the exemption is claimed.”

(B) By renumbering the remaining subparagraphs of said proviso, so that the same shall become subparagraphs (4) and (5).

(C) By amending the paragraph added by section 3b of the Special Session Laws of Hawaii 1949 by deleting from the eighth and ninth lines of said paragraph (as set forth on page 40 of the Special Session Laws of Hawaii 1949) the words “where the lease has been duly entered into and recorded”, and by inserting in lieu thereof the following:

“where the lease and any extension, renewal, assignment, or agreement to assign said lease, have been duly entered into and recorded”.

(D) By adding at the end of said section a new paragraph to read as follows:

“As used in this section, in the first paragraph of section 5141, and in section 5147, the word ‘lease’ shall be deemed to include a sublease, and the word ‘lessee’ shall be deemed to include a sublessee.”

* § 5149, as so amended, reads:

Sec. 5149. Homes. Real property owned and occupied only as his or their home by any individual or individuals, shall be exempt only to the following extent from property taxes:

1. Totally exempt upon that portion of the value thereof not in excess of fifteen hundred dollars;

2. Exempt as to one-half of that portion of the value thereof in excess of fifteen hundred dollars but not exceeding five thousand dollars; **provided, however:**

(1) That no such exemption shall be allowed to any corporation, co-partnership or company;

(2) That such exemption shall not be allowed on more than one home for any one taxpayer;

(3) That where the taxpayer has acquired his home by a deed made on or after July 1, 1951, said deed shall have been recorded prior to January 1 of the year for which the exemption is claimed;

(4) That a husband and wife shall not be permitted exemption of separate homes owned by each of them, unless they are living separate and apart, in which case they shall be entitled to one exemption, to be

apportioned between each of their respective homes in proportion to the value thereof;

(5) That a person living on premises, a portion of which is used for commercial purposes, shall not be entitled to an exemption with respect to such portion, but shall be entitled to an exemption with respect to the portion thereof used exclusively as a home; **provided**, however, that this exemption shall not apply to any building or structure, including the land thereunder, a portion of which is used for commercial purposes; **provided**, further, that where a portion of any building or structure is used for the purpose of drying coffee, such use shall not bar the granting of such exemption; **provided**, further, that where a portion of any real property, including structures, is used in connection with the planting and growing for commercial purposes, or the packing and processing for such purposes, of flowers, plants or foliage, such use shall not bar the granting of such exemption.

For the purpose of this section, the word "home" shall include (a) the entire homestead when the same is occupied by the taxpayer as such, and shall also include (b) a residential building on land held by the lessee or his successor in interest under a lease for a term of five years or more for residential purposes and owned and used as a residence by such lessee or his successor in interest, as the case may be, where the lease and any extension, renewal, assignment, or agreement to assign said lease, have been duly entered into and recorded prior to January 1 of the year for which the exemption is claimed, and whereby the lessee agrees to pay all taxes during the term of the lease, and shall also include (c) premises held under an agreement to purchase the same for a home, where the agreement has been duly entered into and recorded prior to January 1 of the year for which the exemption is claimed, whereby the purchaser agrees to pay all taxes while purchasing the premises. The subletting by the taxpayer of not more than one room to a tenant shall not affect the exemption provided for by this section. The use of a portion of any building or structure for the purpose of drying coffee and the use of a portion of real property, including structures, in connection with the planting and growing for commercial purposes, or the packing and processing for such purposes, of flowers, plants or foliage, shall not affect the exemptions provided for by this section.

As used in this section, in the first paragraph of section 5141, and in section 5147, the word "lease" shall be deemed to include a sublease, and the word "lessee" shall be deemed to include a sublessee. [L. 1896, c. 51, s. 34; am. L. 1920, c. 33, s. 1; am. L. 1921, c. 213, s. 1; R. L. 1925, s. 1331; am. L. 1925, c. 192, s. 9; am. L. 1932, 2d, c. 41, s. 4; R. L. 1935, s. 1974; am. L. 1935, c. 46, s. 1; R. L. 1945, s. 5149; am. Sp. L. 1949, c. 64, s. 3; am. L. 1951, c. 133, s. 4.]

Section 5. Chapter 94 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by inserting therein a new section 5155.01, to read as follows:

"Sec. 5155.01. Returns of ranch lands. In every taxation division, pursuant to this section and without the ordering of returns by the tax commissioner, every person owning, or having possession, custody or control of, real property in

such division used for the grazing of any herd of cattle, sheep, horses or mules, shall, during the month of January, file, upon forms prescribed by the commissioner and in the manner required by such forms, a return setting forth a brief description and the location of such real property, and the actual number of cattle, sheep, horses and mules in the herd as of the first day of said month of January. In the event of failure to file such return the assessor shall be entitled to assess said real property as the highest grade of ranch land." [L. 1951, c. 133, s. 5.]

Section 6. **Section 5168** of chapter 94 of the Revised Laws of Hawaii 1945 is hereby amended by amending the fifth paragraph thereof in the following respects:

(A) By inserting in the seventh line of said paragraph, following the words "within one year from the date thereof," the following:

"or if the deed shall not have been recorded within sixty days after the sale, then within one year from the date of recording of the deed,".

(B) By changing the period at the end of said paragraph to a comma and adding the following:

"but in a case of redemption more than one year after the date of sale by reason of extension of the redemption period on account of late recording of the tax deed, interest shall not be added for the extended redemption period."

Paragraph 5 of § 5168, as so amended, reads:

Tax deed; redemption. The tax collector, or his assistant, shall, on payment of the purchase price, make, execute and deliver all proper conveyances necessary in the premises and the delivery of the conveyances shall vest in the purchaser the title to the property sold; **provided**, that the deed to the premises shall be recorded within sixty days after the sale; **provided**, further, that the taxpayer may redeem the property sold as aforesaid by payment to the purchaser at the sale, within one year from the date thereof, or if the deed shall not have been recorded within sixty days after the sale, then within one year from the date of recording of the deed, of the amount paid by the purchaser, together with all costs and expenses which the purchaser was required to pay, including the fee for recording the deed, and in addition thereto, interest on such amount at the rate of twelve per centum per annum, but in a case of redemption more than one year after the date of sale by reason of extension of the redemption period on account of late recording of the tax deed, interest shall not be added for the extended redemption period.

Section 7. **Section 5203** of chapter 95 of the Revised Laws of Hawaii 1945 is hereby amended by inserting in the second paragraph thereof, following the third sentence and preceding the last sentence of said paragraph, the following:

"The board shall base its decision on the evidence before

it, and, as provided in section 5127, the assessment made by the assessor shall be deemed prima facie correct. In increasing or lowering any assessment the board shall be governed by the provisions of chapter 94 as to the assessment of property (a) upon its fair and reasonable value, and (b) by appropriate systematic methods so selected and applied as to secure as far as possible, uniform and equalized results throughout the territory."

Section 8. If any section, sentence, clause or phrase of this Act, or its application to any person or circumstances, is for any reason held to be unconstitutional or invalid, the remaining portions of this Act, or the application of this Act to other persons or circumstances, shall not be affected. The legislature hereby declares that it would have passed this Act and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 9. Sections 4 and 5 shall apply commencing with the tax year 1952. Section 6 shall take effect as of December 1, 1950. Except as otherwise provided herein, this Act shall take effect ten days after its promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 21, 1951.) H.B. 727, Act 133.

* § 5104. Commissioner, general duties and powers. Am. L. 1945, Act 79 [A-91], Act 196 [A-92], rewritten pp. 167-9; am. L. 1951, Act 133 [A-108].

§ 5105. Bonds and oaths. Am. L. 1945, Act 79 [A-91]; am. L. 1951, Act 133 [A-108].

§ 5107. Compensation of assessing and collecting officers. Am. L. 1945, Act 79 [A-91].

§ 5108. Successors, powers, duties. Am. L. 1945, Act 79 [A-91].

§ 5110.01. Hearings and subpoenas. NEW, L. 1945, Act 196 [A-92]

§ 5114. Police to aid assessing or collecting officers. Am. L. 1945, Act 79 [A-91].

§ 5122. Rep. L. 1949, Act 176 [A-146].

§ 5130. Refunds. Am. L. 1949, Act 205 [A-147].

§ 5131. Payment, enforcement of by assumpsit action or distress upon goods and chattels. Am. L. 1949, Act 311 [A-148].

§ 5131.01. Extra-territorial enforcement of tax laws. NEW, L. 1949, Act 311 [A-148].

§ 5131.02. Partial payment of taxes. NEW, L. 1949, Act 312 [A-149].

§ 5131.03. Tax clearance before procuring certain licenses or certificates. NEW, L. 1949, Act 352 [A-150].

§ 5133. Records of delinquent taxes, uncollectible delinquent taxes. Am. L. 1951, Act 133 [A-108].

§ 5137. Neglect of duty, etc., misdemeanor. Am. L. 1945, Act 79 [A-91].

§ 5140. Time as of which levy and assessment made. AM. L. 1945, Act 79 [A-91].

Series A-109: ACT 151

An Act Amending Sections 5141, 5154, as Amended, and 5166, of the Revised Laws of Hawaii 1945, Relating to Taxation of Real Property.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 5141 of the Revised Laws of Hawaii 1945, as amended by Act 64 of the Special Session Laws of Hawaii 1949, is hereby amended to read as follows:

"Sec. 5141. Assessment of property; to whom in general. The real property shall be assessed in its entirety to the owner or owners thereof; **provided**, that where land has been leased for a term of five years or more for residential purposes, the lessee or his successor in interest, holding the land for such term under such lease and using the same for residential purposes, may be considered an owner with respect to the residential buildings owned by him on such land, provided notice and claim for exemption is given pursuant to section 5147. For the purposes of this chapter, residential buildings may be deemed to be owned by a lessee or his successor in interest notwithstanding any reversionary interest therein of the lessor.

For the purposes of this chapter, life tenants, executors, administrators, trustees, guardians or other fiduciaries may be, and persons holding government property under an agreement for the conveyance of the same to such persons shall be, considered as owners as to any real property held or controlled by them as such. Lessees and other tenants holding under any government lease or other tenancy shall be considered as owners during the time any real property is held or controlled by them as such, as more fully provided in section 5154." [L. 1932, 2d, c. 40, s. 22; R. L. 1935, s. 1924; R. L. 1945, s. 5141; am. Sp. L. 1949, c. 64, s. 1; am. L. 1951, c. 151, s. 1.]*

Section 2. Section 5154 of the Revised Laws of Hawaii 1945, as amended by Act 88 of the Session Laws of Hawaii 1945, is hereby further amended in the following respects:

(A) By amending paragraph 1 thereof to read as follows:

"1. Real property belonging to the United States, to the territory, or to any county; **provided**, that real property belonging to the United States shall be taxed if and when the Congress of the United States shall so permit, to the extent so permitted and in accordance with any conditions or pro-

* § 5145. Maps. Am. L. 1947, Act 8 [A-79].

visions prescribed in such act of Congress; **provided**, further, that real property belonging to the territory or any county, or belonging to the United States and in the possession, use and control of the territory, shall be taxed on the fee simple value thereof, and private persons shall pay the taxes thereon and shall be deemed the 'owners' thereof for the purposes of this chapter, in the following cases:

(a) Such property held on January 1 of any tax year under an agreement for the conveyance of the same by the government to private persons shall be deemed fully taxable, the same as if such conveyance had been made;

(b) Such property held on January 1 of any tax year under a government lease or other tenancy shall be entered, in the assessment lists and tax rolls for said year, as fully taxable for the entire year, but adjustments of the taxes so assessed may be made as provided in section 5166, so that such tenants shall be required to pay only so much of said taxes as is proportionate to the portion of the tax year during which such real property is held or controlled by them;

(c) Such property held under a government lease or other tenancy commencing after January 1 of any tax year, or under an agreement for the conveyance of the same or a conveyance of the same by the government, made after January 1 of any tax year, shall be assessed as omitted property as provided in section 5164, but the taxes thereon shall be prorated so as to require the payment of only so much of said taxes as is proportionate to the remainder of the tax year."

(B) By inserting a new paragraph 4 to read as follows:

"4. Real property with respect to which the owner has granted to the territory or any county thereof a right of entry and upon which the territory or county has entered and taken possession under the authority of the right of entry with intention to acquire the fee simple estate therein and to devote the real property to public use; **provided** the territory or county shall have, prior to January 31 of the year for which such exemption is claimed, certified to the appropriate tax official the date upon which it took possession."

(C) By renumbering paragraphs 4, 5, and 6, to become paragraphs 5, 6, and 7.

Section 3. **Section 5166*** of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(A) By inserting in the third line, following the words "or any political subdivision of said territory," the following:

“and whenever any government lease or other tenancy shall terminate.”.

(B) By changing the period at the end of the first paragraph to a comma, and adding the following:

“or the termination of the government lease or other tenancy, as the case may be”.

(C) By inserting a new paragraph between the second and third paragraphs of said section, to read as follows:

“Provided, further that in case the owner of real property grants to the territory or any county thereof a right of entry with respect to such real property and the territory or county enters into possession under the authority of the right of entry with intention to acquire the fee simple estate therein and to devote the real property to public use, the territory or such county shall certify to the appropriate tax official the date upon which it took possession, and upon receipt of the certificate said tax official is authorized to remit the real property tax on the parcel of land or portion of a parcel of land so coming into the possession of the territory or county for the balance of the taxation period which is subsequent to the date of possession.”

Section 4. This Act shall apply commencing with the tax year 1952.

(Approved May 23, 1951.) **H.B. 725, Act 151.**

* § 5166, as so amended, reads:

Sec. 5166. Remission of taxes on acquisition by government. Whenever any real property is acquired for public purposes by the United States, the Territory, or any political subdivision of said Territory, and whenever any government lease or other tenancy shall terminate, the tax assessor and the tax collector of the division in which such property is situated are authorized to remit the taxes due thereon for the balance of the taxation period or year from and after the date of acquisition of such property, or the termination of the government lease or other tenancy, as the case may be.

Provided that, in case the Territory or any county takes possession of real property which is the subject of eminent domain proceedings commenced for the acquisition of the fee simple estate in such land by the Territory or such county, taxes are authorized to be remitted as provided in section 320, subject, however, to the provisions of subsection 3 (a) of said section 320.

Provided, further that in case the owner of real property grants to the Territory or any county thereof a right of entry with respect to such real property and the Territory or county enters into possession under the authority of the right of entry with intention to acquire the fee simple estate therein and to devote the real property to public use, the Territory or such county shall certify to the appropriate tax official the date upon

which it took possession, and upon receipt of the certificate said tax official is authorized to remit the real property tax on the parcel of land or portion of a parcel of land so coming into the possession of the Territory or county for the balance of the taxation period which is subsequent to the date of possession.

Provided, further, that, in case the United States takes possession of real property which is the subject of eminent domain proceedings commenced for the acquisition of the fee simple estate in such land, taxes are authorized to be remitted for the balance of the taxation period or year after such taking, as provided in this paragraph. Such remission shall be allowed conditionally upon the presentation to the tax commissioner, or to the tax assessor or tax collector of the division in which such property is situated, of a written notice and agreement, signed by the person, or one or more of the persons, owning said land, stating the date of such taking of possession by the United States, and agreeing that out of the first funds received by such owner or owners from such condemnation there shall be paid sufficient moneys to discharge the lien for any real property taxes existing upon said land pro-rated up to and including the date of such taking possession of such property; **provided** that such notice may be accompanied by payment of said pro-rated amount of taxes in lieu of such agreement. The provisions of paragraph 3 of said section 320 are hereby made applicable to such land and the owner or owners thereof and to the conditional remission authorized by this paragraph. It is further **provided**, that in the event the said pro-rated taxes up to the time of such taking possession, shall not be paid by the owner or by one or more of the owners of said land within ten days after receipt by such owner or owners of the compensation for said condemnation, or within such additional time as shall be allowed by the tax assessor, collector or commissioner, then said conditional remission of taxes shall be null and void, and such owner or owners shall be liable for all taxes, penalties and interest which would have accrued had no such conditional remission been allowed. [L. 1931, c. 203, s. 1; am. L. 1932, 2d, c. 58, s. 1; R. L. 1935, s. 1979; am. L. 1939, c. 211, s. 2; am. L. 1941, c. 126, s. 1; R. L. 1945, s. 5166; am. L. 1951, c. 151, s. 3.]

Series A-110: ACT 164

An Act to Amend Section 5146 of the Revised Laws of Hawaii 1945, as Amended by Act 79 of the Session Laws of Hawaii 1945, Relating to the Records of Assessed Valuations of Real Property.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 5146 of the Revised Laws of Hawaii 1945, as amended by Act 79 of the Session Laws of Hawaii 1945, is hereby further amended by deleting the final sentence of the first paragraph thereof and substituting therefor the following:

"So far as practicable, records shall be compiled and kept in each division which shall show the methods established, by or under the authority of the commissioner, for the determination of values."

Section 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 26, 1951.) H.B. 287, Act 164.

§ 5146. Valuations; considerations in fixing; buildings re-valued yearly; records. Am. L. 1945, Act 79 [A-91], rewritten p. 170; am. L. 1951, Act 164 [A-110].

§ 5147. Condition precedent to certain exemptions. Am. L. 1949, Act 218 [A-151], rewritten p. 292; AM. Sp. L. 1949, Act 64 [A-18].

§ 5147.01. Exemption of property for manufacture of cement. NEW, L. 1945, Act 243 [A-93].

§ 5149. Homes. Am. Sp. L. 1949, Act 64 [A-18], rewritten pp. 40-49; am. L. 1951, Act 133 [A-108].

§ 5149.05. Homes of totally disabled veterans. NEW, L. 1949, Act 189 [A-152].

§ 5150A. Blind. NEW, L. 1947, Act 213 [A-86].

Series A-111: ACT 172

An Act Relating to Highway Improvement Assessment and Real Property Tax Exemptions, and Amending Section 5151, as Amended, of the Revised Laws of Hawaii 1945.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Any other law to the contrary notwithstanding, the land owned by the Lin Yee Chung Society in the city and county of Honolulu shall be exempt from assessments of the character provided by chapter 129 of the Revised Laws of Hawaii 1945, as amended.

Section 2. The assessment which would have been made against such land but for this Act shall be paid for as provided by section 6704 of the Revised Laws of Hawaii 1945, as amended, for land by law so exempted.

Section 3. Sections 1 and 2 of this Act shall apply to any improvement by assessment heretofore or hereafter provided for, but nothing in this Act shall be construed as authorizing any refund of any such assessments heretofore paid.

Section 4. Section 5151, subsection (a), as amended, of the Revised Laws of Hawaii 1945 is hereby amended by amending paragraph 54 thereof to read as follows:

"54. All real and personal property owned or used exclusively by the American Legion, Club 100, and 442nd Veterans' Club, in the territory."

Section 5. This Act shall take effect upon its approval but shall be retroactive to January 1, 1951.

(Approved May 26, 1951.) H.B. 1078, Act 172.

Series A-112: ACT 323

An Act to Amend Section 5151 of the Revised Laws of Hawaii 1945, Relating to Real Property Tax Exemptions.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 5151** of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto a new paragraph reading as follows:

"65. All property owned or used exclusively by the Honpa Hongwanji Mission at Kahuku, so long as the same is used only for religious, educational, hospital, community, governmental or character building purposes."

Section 2. **Section 5151** of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto a new paragraph reading as follows:

"66. All property owned or used exclusively by the Board of Home Missions and Church Extension of the Methodist Church at Kahuku, so long as the same is used only for religious, educational, hospital, community, governmental or character building purposes."

Section 3. **Section 5151** of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto a new paragraph reading as follows:

"67. All property owned or used exclusively by the St. Roch's Church at Kahuku, so long as the same is used only for religious, educational, hospital, community, governmental or character building purposes."

Section 4. This exemption shall be granted notwithstanding non-compliance for the year 1951 with any other provisions or requirements of section 5151 or of section 5147 of the Revised Laws of Hawaii 1945 or of any other law.

Section 5. This Act shall take effect upon its approval but shall be retroactive to the first day of January, 1951.

(Approved June 18, 1951.) H. B. 255, Act 323.

§ 5151. **Specific property exempt.** Am. L. 1945, Act 234 [A-94], exemption for veterans of Foreign Wars; Act 224 [A-95], for Iolani School; Act 221 [A-96], for Punahou School; am. L. 1947, Act 149 [A-80], for Lutheran Church; am. L. 1949, Act 385 [A-153]; am. Sp. L. 1949, Act 50 [A-19]; Act 59 [A-20]; am. L. 1951, Act 172 [A-111], American Legion Club 100 and 442nd Veterans' Club; Act 323 [A-112], Honpa Hongwanji Mission, Board of Home Missions and Church Extension of the Methodist Church, St. Roch's Church.

§ 5154. **Public property, etc.** Am. L. 1945, Act 88 [A-97]; am. L. 1951, Act 151 [A-109].

§ 5155.01. **Returns of ranch lands.** NEW, L. 1951, Act 133 [A-108].

§ 5166. **Remission of taxes on acquisition by government.** Am. L. 1951, Act 151 [A-109].

§ 5167. **Liens for taxes; co-owners' rights; foreclosure in equity; limitation.** Am. L. 1945, Act 220 [A-98].

§ 5168. **Liens for taxes; foreclosure without suit, notice, etc.** Am. L. 1951, Act 133 [A-108].

Chapter 95. APPEALS.

§ 5203. **Boards of review; duties, powers, procedure before.** Am. L. 1951, Act 133 [A-108], *supra*.

§ 5217. **Costs; deposit for on appeal to tax appeal or supreme court.** AM. L. 1945, Act 92 [A-99].

§ 5218. **Costs, taxation.** AM. L. 1945, Act 92 [A-99].

§ 5219. **Taxes paid pending appeal.** AM. L. 1951, Act 224 [A-41], *supra*.

Chapter 96. BUDGETS.

§ 5251. **Definitions.** Am. L. 1947, Act 111 [A-81].

Series A-113: ACT 250

An Act to Amend Sections 5252 and 5254 of the Revised Laws of Hawaii 1945, as Amended, Relating to the County of Maui; Including Property Taxes in the County of Maui and the Maui County Budget.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 5252 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended in the following respects:

(a) By deleting the number "\$900,000" and substituting the number "\$1,000,000" in the third paragraph before the end of the section.

(b) By adding the following sentence to the end of the second paragraph before the end of the section:

"The budget submitted for the county of Maui shall show in column III for repair and maintenance of school buildings and grounds under item (3) at least an amount equal to the amount in which the calculated yield of the real property tax exceeds \$775,000."

Section 2. Section 5254 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by striking out the word "provided" in the third sentence of the first paragraph thereof and inserting:

"provided, however, that the county treasurer of the county of Maui shall allot annually from the balance of the property taxes from the county of Maui for the repair and maintenance of school buildings and grounds under item (3) at least an amount equal to the amount in which the calculated yield of the real property tax exceeds \$775,000 and shall keep such allotment for use for such purpose only; provided".

Section 3. The provisions of this Act shall be construed to be inclusive of, and not in addition to, all other provisions of law directing the board of supervisors of the county of Maui to appropriate or earmark funds for the repair and maintenance of school buildings and grounds.

Section 4. This Act shall take effect as of January 1, 1951.

(Approved May 31, 1951.) S.B. 20, Act 250.

§ 5252. Real property tax, determination of rate. Am. L. 1945, Act 82 [A-87], Act 8 [E-220]; AM. L. 1947, Act 111 [A-81]; Am. L. 1951, Act 250 [A-113].

§ 5253. Submission of budgets during years legislature meets. Am. L. 1947, Act 111 [A-81].

§ 5254. Property taxes, disposition of proceeds; county's share of general excise tax. Am. L. 1945, Act 82 [A-87], Act 8 [E-220]; AM. L. 1947, Act 111 [A-81]; Am. Sp. L. 1949, Act 49 [A-21]; Am. L. 1951, Act 250 [A-113].

§ 5255-56. Rep. L. 1947, Act 111 [A-81].

§ 5257. Special provisions, Hawaii. Am. L. 1945, Act 31 [A-100]; Am. L. 1947, Act 111 [A-81].

§ 5258. Special provisions, Honolulu. Am. L. 1947, Act 111 [A-81].

§ 5259. Rep. L. 1947, Act 212 [B-106].

§ 5260. Fuel tax, disposition of proceeds. AM. L. 1945, Act 82 [A-87], Act 8 [E-220]; am. L. 1947, Act 32 [A-75], Act 36 [A-82], Act 196 [A-83]; am. L. 1951, Act 302 [A-120]. See L. 1951, Act 67 [F-325].

Series A-114: ACT 251

An Act Relating to the Disposition of Funds
Received From the Rental of Government Property
Purchased by Moneys From the Territorial Highway
Fund.

Be it Enacted by the Legislature of the Territory of Hawaii:

[Sec. 5261.] Section 1. [Territorial highway fund; disposition of certain income.] The commissioner of public lands is hereby authorized and directed to deposit to the credit of the territorial highway fund created by section 5260, Revised Laws of Hawaii 1945, as amended, all income received from the rental or lease of real property which has been acquired for highway purposes and paid for out of the territorial highway fund. Moneys thus deposited are hereby appropriated and may be expended by the territorial highway engineer in accordance with the provisions of section 5260, Revised Laws of Hawaii 1945, as amended.

Nothing contained in this Act shall be construed to amend or restrict the funds to be expended under any other law appropriating or authorizing the expenditure of other moneys by the territorial highway department. [L. 1951, c. 251, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 31, 1951.) H.B. 27, Act 251.

Chapter 97. BANK EXCISE TAX.

Series A-115: ACT 258

An Act Relating to the Bank Excise Tax and
Amending Section 5312, as Amended, of the Revised
Laws of Hawaii 1945.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 5312, as amended, of the Revised Laws of Hawaii 1945, is hereby further amended by substituting for the words "one hundred twenty-five thousand dollars" in the thirteenth line, as amended, of said section, being the second line on page 627 of said Revised Laws, the words "one hundred seventy-five thousand dollars".

Section 2. Any assessment made for the year 1951 prior to the enactment of this Act shall be amended to conform to the provisions of section 5312 of said Revised Laws as herein amended, on or before the 20th day of May, 1951, which amended assessment shall have the full force and effect of a duly made original assessment, and the time of filing an appeal under section 5318 of said Revised Laws shall for the year 1951 be extended to June 1.

Section 3. This Act shall take effect upon its approval but shall be retroactive to the first day of January, 1951.

(Approved June 1, 1951.) S.B. 401, Act 258.

§ 5312. **When and to whom assessed; rate and restrictions.** Am. L. 1947, Act 114 [A-84].

Chapter 98. COMPENSATION AND DIVIDENDS TAX.

§ 5343. **Same; "dividends", "local company", "foreign company."** Am. L. 1945, Act 121 [A-101], p. 182 ('45 Tax Code, p. 53.)

Series A-116: ACT 116

An Act to Amend Chapter 98 of the Revised Laws of Hawaii 1945, Relating to the Compensation and Dividends Tax.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 5344*** of chapter 98 of the Revised Laws of Hawaii 1945, as amended by Act 213 of the Session Laws of 1947, is hereby further amended by amending subsection (c) thereof to read as follows:

"(c) Compensation received from the United States (1) by members of the United States army, navy, marine corps, air force, and coast guard, for active service as such members, or (2) by members of the respective reserve corps of the United States and the Hawaii national guard, for the performance of duty as such members, shall likewise be exempt."

Section 2. **Section 5345** of chapter 98 of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

* § 5344. **Tax on compensation; exemptions.** Am. L. 1947, Act 213 [A-86].

(a) By inserting in the ninth line, after the words "on a quarterly basis," the following:

"or may extend the time therefor,".

(b) By amending the last sentence of said section to read as follows:

"Any employer who violates any of the provisions of this section shall be guilty of a misdemeanor."

Section 3. **Section 5346** of chapter 98 of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(a) By deleting from the fourteenth line thereof the words "one thousand two hundred fifty dollars per quarter," and by inserting in lieu thereof the words:

"one thousand five hundred dollars per month,".

(b) By changing the period at the end of subsection (a) to a semicolon and adding the following:

"or the commissioner, for good cause, may extend the time for making returns and payments, but not beyond the twentieth day of the second month next succeeding the regular due date thereof."

Section 4. **Section 5347** of chapter 98 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 5347. Taxes withheld by employer held in trust; employer's liability. All taxes withheld by any employer under section 5345 shall be held in trust by him for the territory and for the payment of the same to the collector in the manner and at the time required by this chapter. If any employer shall fail, neglect, or refuse to deduct and withhold from the compensation paid to an employee, or to pay over, the amount of the tax imposed by this chapter, such employer shall, moreover, be liable to pay to the territory the amount of said tax, which amount shall, whether or not tax withholdings constituting trust funds have been commingled with said employer's assets, form a lien on said employer's entire assets, having priority over all other claims of any person. An employer may recover from an employee any amount which he should have withheld but did not withhold from such employee's compensation, if he has been required to pay and has paid said amount to the territory out of his own funds pursuant to this section." [L. 1933, c. 209, s. 6; R. L. 1935, Chap. IV, Appendix, s. 6; am. L. 1941, c. 213, pt. of s. 1; R. L. 1945, s. 5347; am. L. 1951, c. 116, s. 4.]

Section 5. **Section 5349** of chapter 98 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto a new sentence to read as follows:

"The tax commissioner, for good cause, may extend the time for making returns and payments, but not beyond the twentieth day of the second month succeeding the regular due date thereof."

Section 6. This Act shall not be construed as affecting in any manner, to the detriment of the territory, any taxes, interest, fines, penalties, forfeitures or other liabilities, or obligations, existing, due or incurred prior to the effective dates of the sections of this Act, nor as affecting the liability of any person to prosecution for any misdemeanor or other criminal offenses committed prior to said effective dates under the laws hereby amended, repealed or superseded; and all such taxes, interest, fines, penalties, forfeitures, liabilities, obligations, misdemeanors and other offenses may be assessed, enforced, collected, prosecuted or punished, as the case may be, in the same manner, to the same extent and subject to the same conditions, as if this Act had not been enacted.

Section 7. If any section, sentence, clause or phrase of this Act, or its application to any person or circumstances, is for any reason held to be unconstitutional or invalid, the remaining portions of this Act, or the application of this Act to other persons or circumstances, shall not be affected. The legislature hereby declares that it would have passed this Act and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 8. Section 1 of this Act shall apply to all compensation paid for or attributable to personal services performed on or after July 1, 1951, and section 5344 of chapter 98 of the Revised Laws of Hawaii 1945, as it read prior to the amendments made by section 1, shall apply to all compensation paid for or attributable to personal services performed prior to July 1, 1951. Except as otherwise provided, this Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 19, 1951.) H.B. 733, Act 116.

§ 5350. Tax on dividends. Am. L. 1947, Act 213 [A-86].

§ 5358. Disposition of proceeds; refunds. Am. L. 1945, Act 208 [A-102]; am. L. 1949, Act 350 [A-138] and Act 205 [A-147].

§ 5360. Lien on land. NEW, L. 1951, Act 161 [A-122], post.

Chapter 98.01. COMPENSATING TAX.

§§ 5370.01-.14. Compensating tax law. NEW, L. 1947, Act 113 [A-85].

Chapter 99. CONSUMPTION TAX.

Series A-117: ACT 225

An Act Relating to Taxation, Making Amendments of Sections 5371, 5372, 5378 and 5387 of Chapter 99, Also Further Amendments of Said Chapter 99 to Provide for the Collection of the Consumption Tax by Sellers, the Duties and Liabilities of Sellers, and Penal Offenses Connected Therewith.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 5371 of chapter 99 of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(A) By amending the sixth paragraph thereof to read as follows:

“**‘Property’** means tangible personal property, but shall not include newspapers or other periodical publications purchased on the subscription plan, issued at stated intervals as frequently as four times a year, and of the class admitted to the United States mails as second class matter under the laws and regulations governing the postal service on January 1, 1951.”

(B) By inserting between the sixth and seventh paragraphs thereof three new paragraphs to read as follows:

“**‘Purchaser’** means any person purchasing property; **provided**, that the term ‘purchaser’ shall not include the territory, its political subdivisions, or wholly owned agencies or instrumentalities of the territory or a political subdivision; or the United States, its wholly owned agencies or instrumentalities, or any person immune from the tax imposed by this chapter under the constitution and laws of the United States.

‘Representation’ refers to any or all of the following: (1) a seller’s being present in the territory, and (2) a seller’s having in the territory a salesman, commission agent, manufacturer’s representative, broker, or other person who is authorized or employed by such seller to assist such seller

in selling property for use or consumption in the territory, by procuring orders for such sales, making collections or deliveries, or otherwise, and (3) a seller's having in the territory a person upon whom process directed to such seller from the courts of the territory may be served, including the treasurer and first deputy treasurer in the cases provided in section 8421.

'Seller', as used in sections 5378 and 5379.01, means any person engaged in the business of selling tangible personal property, wheresoever engaged, and any person authorized by a seller to collect the price, but does not include the United States or any of its departments or wholly owned agencies, the Territory of Hawaii or any county thereof, or wholly owned agency of the territory or a county, or any person who, under the constitution and laws of the United States, is immune from the duty, imposed by section 5379.01, of collecting the tax."

(C) By amending the last paragraph thereof to read as follows:

"Value' means fair and reasonable cash value at the time of accrual of the tax."

Section 2. **Section 5372** of chapter 99 of the Revised Laws of Hawaii 1945, as amended by Act 113 of the Session Laws of Hawaii 1947 and Act 234 of the Session Laws of Hawaii 1949, is hereby further amended by amending clause (a) in the second paragraph thereof to read as follows:

"(a) The sale or the keeping solely for the sale of such property, or the keeping for sale within six months after importation, of chicks or other poultry young, or the keeping of poultry eggs for hatching and sale of the broods within six months after importation of the eggs; **provided**, that this clause shall apply only if the person making such use is licensed under chapter 101;".

Section 3. **Section 5378** of chapter 99 of the Revised Laws of Hawaii 1945 is hereby amended by adding at the end of the first paragraph thereof the following:

"Provided, that a receipt from a seller required or authorized to collect the tax, given to a taxpayer in accordance with the provisions of section 5379.01, shall be sufficient to relieve such taxpayer from further liability for the tax to which such receipt may refer, or for the return thereof."

Section 4. Chapter 99 of the Revised Laws of Hawaii 1945 is hereby further amended by inserting therein a new section to read as follows:

"Sec. 5379.01. Collection of tax by seller. [Penalty.] (a) Every seller having in this territory, regularly or intermittently, any property, tangible or intangible, any place of business, or any representation, and irrespective of said seller's having or not having qualified to do business in this territory, shall, if such seller makes sales of property for use or consumption in this territory, whether or not such sales are made in this territory, collect from the purchaser the tax imposed by this chapter on the use or consumption of the property so sold by him, such collection to be within the period of twenty days after the accrual of said tax or within such other period as shall be fixed by the commissioner upon the application of the seller, and such seller shall give to the purchaser a receipt therefor in the manner and form prescribed by the commissioner; **provided**, that this subsection shall not apply to vehicles registered under section 7340.01.

(b) The tax commissioner, in his discretion, upon application therefor and under terms and conditions prescribed by him, may relieve any seller of the duty of collecting and paying over the tax imposed by this chapter, if he is satisfied that the tax can be effectively collected by other means; such exemption from the duty of collecting the tax may be cancelled at any time when the commissioner finds that the tax cannot be effectively collected by other means. The tax commissioner likewise may terminate the duty and authority of any seller to collect and pay over the tax imposed by this chapter if he shall find, as to such seller, that the tax cannot be effectively collected by such means.

(c) The tax commissioner, in his discretion, upon application therefor and under terms and conditions prescribed by him, may authorize the collection of the tax imposed by this chapter by a seller not otherwise required to collect the tax. Such seller, when so authorized, shall have the duty of collecting and paying over the tax in the same manner and subject to the same requirements as set out in subsection (a). Such authority may be cancelled at any time when, in the judgment of the commissioner, the tax can more effectively be collected by other means.

(d) In case any seller required or authorized to collect the tax under this chapter fails to collect the same, or having collected the tax fails to pay over the same as provided by this chapter, he shall nevertheless be personally liable to the territory for the amount of such tax, but it shall be a defense to such liability that the indebtedness for the price is a worthless account actually charged off for income tax pur-

poses, if and to the extent that the collections of the price do not equal the tax.

(e) Every seller required or authorized to collect the tax shall make returns and payments of the tax at the same time and in the same manner as is provided with respect to taxpayers by section 5378. All of the provisions of this chapter with respect to returns, reports, records, payments, penalties and interest, appeals, investigations and audits, assessments, tax collection procedure, criminal offenses, and the general administrative powers and duties of the tax commissioner, shall apply to such sellers the same as to taxpayers.

(f) The tax collected pursuant to this section shall be held in trust for the territory and for the payment of the same to the proper collecting officer in the manner and at the time required by this chapter. Any person collecting such tax who shall appropriate or convert the same to his own use or to any use other than the payment of the tax as herein provided, and who shall fail to pay over the amount of tax so collected at the time required by this chapter, shall be deemed guilty of an embezzlement of property of the territory and upon conviction thereof shall be punished at hard labor for a period of not to exceed ten years or by fine not to exceed five times the amount of money so embezzled, and any failure by the person so collecting the tax to pay the same over within the time provided by this chapter, after demand therefor, shall be taken and held to be prima facie evidence of the embezzlement." [L. 1951, c. 225, s. 4.]

§ 5372. Same; use, consumption, defined. Am. L. 1947, Act 113 [A-85]; am. L. 1949, Act 234 [C-230]; am. L. 1951, Act 225 [A-117].

§ 5374. Rate of tax. AM. L. 1945, Act 100 [A-103]; AM. L. 1947, Act 111 [A-81].

§§ 5375-76. Persons taxable, exemptions. Am. L. 1947, Act 113 [A-85].

§ 5378. Returns. Am. L. 1951, Act 225 [A-117].

§ 5379. Reports by importers and others. Am. L. 1947, Act 113 [A-85].

§ 5381. Appeal; correction of assessment. AM. L. 1945, Act 92 [A-99].

§ 5383. Penalty. AM. L. 1945, Act 253 [A-104].

§ 5385. Lien on land. AM. L. 1951, Act 161 [A-122], post.

Section 5. Section 5387 of chapter 99 of the Revised Laws of Hawaii 1945 is hereby amended by inserting in the seventh line after the figures "5450", a comma and the following: "5461,".

Section 6. This Act shall not be construed as affecting in any manner, to the detriment of the territory, any taxes, interest, fines, penalties, forfeitures or other liabilities, or obliga-

tions, existing, due or incurred prior to the effective date of this Act, nor as affecting the liability of any person to prosecution for any misdemeanor or other criminal offenses committed prior to said effective date under the laws hereby amended; and all such taxes, interest, fines, penalties, forfeitures, liabilities, obligations, misdemeanors and other offenses may be assessed, enforced, collected, prosecuted or punished, as the case may be, in the same manner, to the same extent and subject to the same conditions, as if this Act had not been enacted.

Section 7. If any section, sentence, clause or phrase of this Act, or its application to any person or circumstances, is for any reason held to be unconstitutional or invalid, the remaining portions of this Act, or the application of this Act to other persons or circumstances, shall not be affected. The legislature hereby declares that it would have passed this Act and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 8. This Act shall take effect on July 1, 1951.

(Approved May 28, 1951.) H.B. 731, Act 225.

Chapter 100. FUEL TAX.

Series A-118: ACT 136

An Act Relating to Taxation and Amending
Chapter 100 of the Revised Laws of Hawaii 1945, as
Amended.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 5401** of the Revised Laws of Hawaii 1945 is hereby amended by changing the period at the end of line 14 thereof to a comma and adding thereafter the following:

“and also every person who acquires liquid fuel from a licensed distributor as a wholesaler thereof and sells or uses the same.”

Section 2. **Section 5405** of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

“**Sec. 5405. Tax not applicable when.** The provisions of this chapter requiring the payment of license fees shall not be held or construed to apply to fuel imported into the

territory in interstate or foreign commerce while and so long as such fuel is beyond the taxing power of the territory, nor to any such fuel exported or sold to the government of the United States or any department thereof for official use of the government, nor to any fuel exported or sold to another licensed distributor; but every distributor shall be required to report such imports, exports and sales as provided by this chapter and in such detail as the commissioner shall require." [L. 1932, 1st, c. 19, s. 10; R. L. 1935, s. 2019; am. Sp. L. 1941, c. 26, pt. of s. 1; R. L. 1945, s. 5405; am. L. 1951, c. 136, s. 2.]

Section 3. This Act shall take effect on July 1, 1951.

(Approved May 21, 1951.) H.B. 1066, Act 136.

§ 5401. Definitions. Am. L. 1951, Act 136 [A-118], Act 187 [A-119], post.

Series A-119: ACT 187

An Act to Amend Chapter 100 of the Revised Laws of Hawaii 1945, Relating to Fuel Taxes.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 5401 of chapter 100 of the Revised Laws of Hawaii 1945 is hereby amended by inserting the words "liquefied petroleum gases," following the word "include" in the third line of the third paragraph of said section 5401.

Section 2. Section 5404 of chapter 100 of the Revised Laws of Hawaii 1945 is hereby amended by deleting subsection (c) thereof and substituting in lieu thereof the following:

"(c) The tax shall not be collected in respect to any liquefied petroleum gas, benzol, benzene, toluol or xylol sold after January 1, 1951 for use other than for operating internal combustion engines. With respect to said products, other than liquefied petroleum gas, the commissioner by regulation shall provide for the reporting and payment of the tax and for the keeping of records in respect thereto, in such manner as to collect, for each gallon of such product sold for use in internal combustion engines for the generation of power, or so used, the same tax or taxes as apply to each gallon of diesel oil. With respect to liquefied petroleum gas, the only tax collected shall be that provided in paragraphs (1), (2) and (3) of this subsection.

(1) Every distributor or other person who shall use any liquefied petroleum gases for operation of an internal com-

bustion engine shall pay a license tax to the commissioner of one cent for each gallon of such liquefied petroleum gas so used by him.

(2) Every distributor or other person who shall use any liquefied petroleum gas for operating a motor vehicle or motor vehicles upon the public highways of the Territory shall, in addition to the tax required under paragraph (1) of this subsection, pay a license tax to the commissioner for each gallon of such liquefied petroleum gas so used by him at the rates applicable to diesel oil so used upon the public highways, and the taxes so paid shall be paid into the territorial treasury and deposited in special funds or paid over in the same manner as provided by law in respect of the tax on diesel oil so used upon the public highways.

(3) Any liquefied petroleum gas acquired by a person who has in his ownership, possession or control any internal combustion engine for the operation of which liquefied petroleum gas may be used, shall be presumed to have been entirely used by such person for such purpose, and if such internal combustion engine is in a vehicle which may be used on the highway, shall be presumed to have been entirely used by such person upon the highways, unless upon proper records and from such other evidence as the commissioner may require it shall be proved to the satisfaction of the commissioner that such liquefied petroleum gas has not been so used.

(d) **Provided**, that the tax shall not be collected in respect to any liquid fuel, including diesel oil and liquefied petroleum gas, shown to the satisfaction of the commissioner to have been sold for use in and actually delivered to, or sold in, the county of Kalawao."

Section 3. This Act shall take effect upon its approval.

(Approved May 28, 1951.) S.B. 239, Act 187.

§ 5404. Distributors and others to pay certain license taxes. AM. L. 1947, Act 196 [A-83]; am. L. 1949, Act 360 [A-141]; am. L. 1951, Act 187 [A-119], Act 302 [A-120], post. See Act 67 [F-325].

Series A-120: ACT 302

An Act Relating to Fuel Taxes and the Disposition Thereof; Amending Sections 5260, as Amended, and 5404, as Amended, of the Revised Laws of Hawaii 1945, Act 196 of the Session Laws of Hawaii 1947, as Amended, and Act 373 of the Session Laws of Hawaii 1949, and Repealing Act 67 of the Session Laws of Hawaii 1951.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 5404** of the Revised Laws of Hawaii 1945, as amended, is hereby further amended as follows:

(a) By deleting in their entirety subsections (3), (4), (5), and (6) of part (a) thereof and substituting in lieu thereof the following respective subsections:

“(3) For each gallon of liquid fuel other than fuel mentioned in items (1) and (2), sold or used in the county of Hawaii, or in any county for ultimate use in the county of Hawaii, seven cents, of which tax three-sevenths, or three cents, shall be known as the ‘county of Hawaii extra tax’, and in addition thereto during the period July 1, 1951, to June 30, 1953, inclusive, a special tax of one cent, which special tax shall be known as the ‘county of Hawaii special tax’.

(4) For each gallon of liquid fuel other than fuel mentioned in items (1) and (2), sold or used in the city and county of Honolulu, or in any county for ultimate use in the city and county of Honolulu, six and one-half cents, of which tax two and one-half cents shall be known as the ‘city and county of Honolulu extra tax’.

(5) For each gallon of liquid fuel other than fuel mentioned in items (1) and (2), sold or used in the county of Maui, or in any county for ultimate use in the county of Maui, six cents, of which tax one-third, or two cents, shall be known as the ‘county of Maui extra tax’, and in addition thereto during the period July 1, 1951, to June 30, 1953, inclusive, a special tax of one cent, which special tax shall be known as the ‘county of Maui special tax’.

(6) For each gallon of liquid fuel other than fuel mentioned in items (1) and (2), sold or used in the county of Kauai, or in any county for ultimate use in the county of Kauai, six cents, of which tax one-third, or two cents, shall be known as the ‘county of Kauai extra tax’, and in addition thereto during the period July 1, 1951, to June 30,

1953, inclusive, a special tax of one cent, which special tax shall be known as the 'county of Kauai special tax'."

(b) By deleting in their entirety subsections (1), (2), (3), and (4) of part (b) thereof and substituting in lieu thereof the following respective subsections:

"(1) For each gallon of diesel oil so used upon the public highways in the county of Hawaii, six cents, of which one-half, or three cents, shall be known as the 'county of Hawaii extra tax', and in addition thereto during the period July 1, 1951, to June 30, 1953, inclusive, a special tax of one cent, which special tax shall be known as the 'county of Hawaii special tax'.

(2) For each gallon of diesel oil so used upon the public highways in the city and county of Honolulu, five and one-half cents, of which two and one-half cents, shall be known as the 'city and county of Honolulu extra tax'.

(3) For each gallon of diesel oil so used upon the public highways in the county of Maui, five cents, of which two-fifths, or two cents, shall be known as the 'county of Maui extra tax', and in addition thereto during the period July 1, 1951, to June 30, 1953, inclusive, a special tax of one cent, which special tax shall be known as the 'county of Maui special tax'.

(4) For each gallon of diesel oil so used upon the public highways in the county of Kauai, five cents, of which two-fifths, or two cents, shall be known as the 'county of Kauai extra tax', and in addition thereto during the period July 1, 1951, to June 30, 1953, inclusive, a special tax of one cent, which special tax shall be known as the 'county of Kauai special tax'."

Section 2. Section 5260 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by amending the first paragraph thereof to read as follows:

"Sec. 5260. Special funds in treasury of territory. (a) There are created in the treasury of the territory two special funds to be known, respectively, as territorial highway fund and territorial airport fund. All taxes collected under chapter 100 in each calendar year, except the 'city and county of Honolulu extra tax', 'county of Kauai extra tax', 'county of Maui extra tax', 'county of Hawaii special tax', 'county of Kauai special tax', and 'county of Maui special tax', shall be deposited in the territorial highway fund; **provided**, however, that all taxes collected under chapter 100 in respect to gasoline sold for use in or used for airplanes shall be set aside in the territorial airport fund."

Section 3. Sections 5, 6 and 7 of Act 196 [Series A-83.], as amended, of the Session Laws of Hawaii 1947, are hereby amended in the following particulars:

(1) By deleting the last sentence of section 5 in its entirety and substituting in lieu thereof, the following:

"The moneys in said fund shall be expended for the following purposes:

(a) Any other law to the contrary notwithstanding, for payment of interest on and redemption of any bonds that may now or hereafter be duly issued or sold under the provisions of chapter 117 of the Revised Laws of Hawaii 1945, as amended, for the financing or aiding in financing the construction of highway tunnels, approach roads thereto and highways within the city and county of Honolulu. Such payments of interest and principal on such bonds, when due, shall be first charges on such moneys so deposited in said fund.

(b) For acquisition, designing, construction, reconstruction, repair, maintenance of, and the installation of modern street lighting on, main and general thoroughfares, highways and other streets, including storm drains and bridges, of the city and county of Honolulu, as defined and set forth in the master plan of the city and county, when said main and general thoroughfares, highways and other streets, including storm drains and bridges, cannot be improved under territorial-federal aid projects.

(c) For payment of the city and county's share in an improvement district initiated by the city and county under the provisions of chapter 129 of said Revised Laws of Hawaii 1945, as amended, for an improvement listed in (b) above which is permitted to be constructed under said chapter 129.

(d) For the construction of highway tunnels, overpasses, underpasses and bridges, where such improvement cannot be made under territorial-federal aid projects."

(2) By amending section 6 by adding at the end thereof the following:

"Any other law to the contrary notwithstanding, moneys collected from the extra tax provided for in this Act and deposited in said fund, in addition thereto, may also be expended for the payment of interest on and the redemption of any bonds that may now or hereafter be duly issued or sold under the provisions of chapter 117 of the Revised Laws of Hawaii 1945, as amended, for the financing or aiding in financing the construction of main highways within

the county of Maui. Such payments of interest and principal on such bonds, when due, shall be first charges on such moneys so deposited in said fund.

The county of Maui special tax shall be paid by the tax commissioner into the territorial treasury, and shall, by the territorial treasurer, be paid over to the treasurer of the county of Maui for deposit in a special fund hereby created, to be known as the 'special fuel tax fund of the county of Maui'. The moneys in said fund shall be expended for the following projects only and in the following order of priority, to-wit:

(a) For resurfacing of Baldwin Avenue from Makawao to lower Paia.

(b) For resurfacing of the road from Hana Airport road to Hana proper.

(c) For resurfacing of the road from Happy Valley to Waihee as far as the Kapuna Road.

(d) For construction, improvement and resurfacing of the taro growers' access road in the Keanae-Wailua area.

(e) For resurfacing of the Momomi and Puukapele roads, island of Molokai.

(f) For resurfacing of the road from Waikapu to Wailuku.

(g) For the construction, improvement and resurfacing of any other roads in the county of Maui.

Expenditure of said special tax moneys upon said roads herein itemized shall be upon contracts let in the manner required by law as to items (a), (c), (e) and (f) and as to items (b), (d) and (g) may be upon work by the county itself."

(3) By amending section 7 by adding at the end thereof the following:

"Any other law to the contrary notwithstanding, moneys collected from the extra tax provided for in this Act and deposited in said fund, in addition thereto, may also be expended for the payment of interest on and the redemption of any bonds that may now or hereafter be duly issued or sold under the provisions of chapter 117 of the Revised Laws of Hawaii 1945, as amended, for the financing or aiding in financing the construction of main highways within the county of Kauai. Such payments of interest and principal on such bonds, when due, shall be first charges on such moneys so deposited in said fund.

The county of Kauai special tax shall be paid by the tax commissioner into the territorial treasury, and shall, by the territorial treasurer, be paid over to the treasurer of the county of Kauai for deposit in a special fund hereby

created to be known as the 'special fuel tax fund of the county of Kauai'. The moneys in said fund shall be expended for the construction, reconstruction, improvement and resurfacing of roads in the county of Kauai; **provided**, however, that the first project for which any such moneys are expended shall be the reconstruction, improvement and resurfacing of the Kokee road."

Section 4. Section 1 of Act 373 [Series A-154.], Session Laws of Hawaii 1949, is hereby amended by adding to the end thereof a new sentence reading as follows:

"Any other law to the contrary notwithstanding, moneys collected from the extra tax provided for in this Act and deposited in said fund, in addition thereto, may also be expended for the payment of interest on and the redemption of any bonds that may now or hereafter be duly issued or sold under the provisions of chapter 117 of the Revised Laws of Hawaii 1945, as amended, for the financing or aiding in financing the construction of main highways on the island of Lanai within the county of Maui. Such payments of interest and principal on such bonds, when due, shall be first charges on such moneys so deposited in said fund."

Section 5. Act 196 [Series A-83.] of the Session Laws of Hawaii 1947, as amended, is hereby further amended by inserting therein a new section to be numbered 4.01, and to read as follows:

"Section 4.01. The county of Hawaii special tax shall be paid by the tax commissioner into the territorial treasury, and shall, by the territorial treasurer, be paid over to the treasurer of the county of Hawaii for deposit in a special fund hereby created, to be known as the 'special fuel tax fund of the county of Hawaii'. The moneys in said fund shall be expended for surfacing and resurfacing of roads in the following ratio: sixty-five per cent for roads in the 1st representative district and thirty-five per cent for roads in the 2nd representative district as follows:

(a) For resurfacing Kamehameha Avenue from Shipman Street to Wailoa River.

(b) For resurfacing of Kamehameha Avenue from Wailoa River to Airport entrance.

(c) For resurfacing of Kalaniana'ole Avenue from Airport entrance to Wharf.

(d) For resurfacing of Kainehe Street from Kamehameha Avenue to Alapuna Street.

(e) For resurfacing of Haili Street from Kamehameha Avenue to Kapiolani Street.

- (f) For resurfacing of Punahale Street from Haili Street to Kaumana Road.
- (g) For resurfacing Kaumana Road from Piihonua Junction to Iiwipolena Street.
- (h) For resurfacing of Puu Hina Street from Kaumana Road to Waianuenue Street.
- (i) For resurfacing of Puainako Street between Kinoole and Kilauea Streets.
- (j) For resurfacing of Kawailani Street between Kinoole and Kilauea Streets.
- (k) For resurfacing of Haihai Street between Kinoole and Kilauea Streets.
- (l) For resurfacing of Kekuanaoa Street from Mililani to Kanoelehua Streets.
- (m) For resurfacing Mamalahoa Highway and of F. A. P. Road at Honuapo to Naalehu Post Office—3.2—Miles.
- (n) For resurfacing Mamalahoa Highway W. P. A. Road from Aloha Theater to F. A. P. Road near Doria's Bar—3.8—Miles.
- (o) For resurfacing Olaa-Pahoa Road end of resurfacing to Pahoa Village—6—Miles.
- (p) For resurfacing Mamalahoa Highway, Papaikou Post Office to New Highway beyond Kalaniana'ole School.
- (q) For resurfacing Honomu Village road.
- (r) For resurfacing Kynerly Road and Niulii Section of Kohala Road and roads in the Hamakua District.
- (s) For resurfacing and reconstruction of road at junction at Honomu toward Akaka Falls.
- (t) For resurfacing and reconstruction of road from junction of Kawailani Street toward Waiakea-uka, Hilo, Hawaii.
- (u) For surfacing Pauahi Street from Kamehameha Avenue to Kilauea Street.
- (v) For surfacing Kilauea Street from Ohea Street to Haihai Street.
- (w) For surfacing Haihai Street from Kinoole Street to end of reconstruction.
- (x) For surfacing Waianuenue Street from Waipahoe-hoe Bridge to new Puumaile Hospital.
- (y) For surfacing Mohouli Street surfacing extra width Kinoole Street towards end of road.
- (z) For resurfacing Kilauea Vacation Lot Road to end of Eighth Street, 27 Miles, Olaa.
- (z-1) For resurfacing Mamalahoa Road from junction of Palani Road towards Holualoa.
- (z-2) For resurfacing Napoopoo Road, South Kona.

(z-3) For resurfacing Mamalahoa Road from Kainaliu to Keauhou.

Section 6. Act 67 [Series F-325.] of the Session Laws of Hawaii 1951 shall be and is hereby repealed, and all other laws or parts of laws in conflict herewithin are hereby amended or superseded to the extent of such conflict.

Section 7. This Act shall take effect on July 1, 1951.

(Approved June 12, 1951.) H.B. 25, Act 302.

§ 5405. Tax on applicable when. AM. L. 1951, Act 136 [A-118], supra.

§ 5408. Distributors, etc., to keep records. Am. L. 1947, Act 196 [A-83]; AM. L. 1949, Act 373 [A-154].

§ 5409. Statements and payments, when and how made; delinquent when; penalties. Am. L. 1947, Act 196 [A-83]; AM. L. 1949, Act 373 [A-154].

Chapter 101. GENERAL EXCISE TAX (Gross Income).

§ 5442. Definitions, generally. Am. L. 1947, Act 113 [A-85].

§ 5444.01. Exemption of gross income from cement manufactured in the Territory. NEW, L. 1945, Act 243 [A-93].

Series A-121: ACT 165

An Act to Amend Chapter 101 of the Revised Laws of Hawaii 1945, Relating to the General Excise Tax, by Amending Sections 5449, 5451, 5455.02, 5461 and 5478, and by Adding Two New Sections 5451.01 and 5476.01 Further Relating to the Administration and Collection of the Tax.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 5449 of chapter 101 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 5449. 'Service business or calling', defined. 'Service business or calling' shall include all non-professional activities engaged in for other persons for a consideration, which involve the rendering of a service as distinguished from the sale of tangible property or the production and sale of tangible property. 'Service business or calling' shall not include the services rendered by an employee to his employer." [L. 1935, c. 141, pt. of s. 1; R. L. 1945, s. 5449; am. L. 1951, c. 165, s. 1.]

Section 2. Section 5451 of chapter 101 of the Revised Laws of Hawaii 1945 is hereby amended by amending the second sentence thereof to read as follows:

"Said license shall expire on the thirty-first day of December next succeeding the date of its issuance."

Section 3. Chapter 101 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto a new section to be numbered 5451.01, and to read as follows:

"**Sec. 5451.01. Renewal of licenses.** The license provided for by section 5451 shall be renewed annually, on or before January 31, or within such extended period, not to exceed an additional sixty days, as shall be allowed by the commissioner for good cause. It shall be a condition precedent to the renewal of such license that the applicant therefor shall have complied with the condition of his previous license or licenses requiring that the taxes accruing under this chapter be paid, **provided**, however:

(1) The commissioner shall not, because of nonpayment of taxes, refuse the renewal of a license for the exercise of a privilege protected by the first amendment of the Constitution of the United States, or for the carrying on of interstate or foreign commerce, or for any privilege the exercise of which, under the Constitution and laws of the United States, cannot be restrained on account of nonpayment of taxes, nor shall section 5478 be invoked to restrain the exercise of such a privilege, or the carrying on of such commerce.

(2) The commissioner shall not refuse the renewal of a license on account of the non-payment of any amount of tax that, on or before December 31 of the previous year, had not become delinquent.

(3) The commissioner may, notwithstanding tax delinquency, renew a license (a) if assured of the payment of the delinquent taxes within a reasonable time, subject to and upon the condition subsequent that the delinquent taxes shall be so paid, or (b) in a case of tax delinquency due to a loss sustained, for reasons beyond the taxpayer's control, from the business on which the tax is imposed, or in other cases of excusable delinquency in the payment of the tax."

[L. 1951, c. 165, s. 3.]

§ 5454. Rep. L. 1945, Act 100 [A-103].

§ 5455. Imposition of tax. Am. L. 1945, Act 100 [A-103], Act 253 [A-104]; L. 1947, Act 111 [A-81], Act 113 [A-85].

§ 5455-A. Exemption as to person with impaired sight. NEW, L. 1947, Act 213 [A-86].

§ 5455.02. Coin operated devices. NEW, L. 1949, Act 252 [A-155]; am. L. 1951, Act 165 [A-121].

Section 4. Section 5455.02 of chapter 101 of the Revised Laws of Hawaii 1945, added by Act 252 of the Session Laws of Hawaii 1949, is hereby amended in the following respects:

(1) By amending the caption and designating the present text of the section as "(a)", so that said section shall commence as follows:

"Sec. 5455.02. Further provisions as to application of tax. (a)".

(2) By adding thereto paragraphs (b), (c), (d) and (e), to read as follows:

"(b) Where gate receipts or other admissions are divided between the person furnishing or producing a play, concert, lecture, athletic event, or similar spectacle (including any motion picture showing) on the one hand, and a promoter (including any proprietor or other operator of a motion picture house) offering such spectacle to the public, on the other hand, the tax imposed by this chapter shall, if said promoter be subject to the tax imposed by this chapter, apply only to said promoter measured by the whole of the proceeds, and said promoter shall be authorized to deduct and withhold from the portion of the proceeds payable to the person furnishing or producing such spectacle the amount of the tax payable by him upon said portion; **provided**, further, that no tax shall apply to a promoter with respect to such portion of the proceeds as is payable to a person furnishing or producing the spectacle, who is exempted by section 5459 from taxation upon such activity.

(c) Where a tire recapper, photo-printer, auto paint shop or the like, renders services upon the order of or at the request of another taxpayer who, by reason of constituting an intermediary between the person rendering such services and the ultimate recipient of the benefit of such services, is required to include the rendering of the same services in the measure of the tax levied on him under this subsection, so much gross income as is derived from the rendering of such services shall be subjected to a tax on the person rendering such services at the rate of one per cent and shall be subjected to a tax on the aforesaid intermediary at the rate of two and one-half per cent.

(d) Where, through the activity of a person taxable under this subsection, a product has been milled, processed,

or otherwise manufactured upon the order of another taxpayer who is taxable upon the value of the entire manufactured product, which consists in part of the value of the services taxable under this subsection, so much gross income as is derived from the rendering of such services shall be subjected to tax on the person rendering such services at the rate of one per cent, and the value of the entire product shall be included in the measure of the tax imposed on such other taxpayer as elsewhere provided.

(e) Where insurance agents, including general agents, subagents, or solicitors, who are not employees and are licensed pursuant to chapter 161, or real estate brokers who are not employees and are licensed pursuant to chapter 150, produce commissions which are divided between said general agents, subagents, or solicitors, or between said real estate brokers, as the case may be, the tax levied under this subsection shall apply to each such person with respect to his portion of the commissions, and no more."

§ 5459. Exemptions, persons exempt, applications for exemption. Am. L. 1945, Act 253 [A-104], Act 158 [A-105]; am. L. 1949, Act 234 [C-230].

§ 5460. Exemptions of gross income. Am. L. 1945, Act 253 [A-104]; am. L. 1947, Act 213 [A-86]; am. L. 1949, Act 343 [A-157].

Section 5. Section 5461 of chapter 101 of the Revised Laws of Hawaii 1945, as amended by Act 253 of the Session Laws of Hawaii 1945, is hereby amended by changing to a comma the semicolon in the seventeenth line thereof, as the same appears on page 191 of the Session Laws of Hawaii 1945, by deleting the remainder of said section, and by inserting after the comma the following:

"to the end that, notwithstanding such extension, the taxpayer's returns shall be filed at least quarterly during the calendar year; **provided**, that the commissioner, if satisfied that the taxpayer's total tax liability under this chapter will not exceed two hundred dollars for the calendar year, may permit such taxpayer to file semiannual returns, on or before the expiration of twenty days from the end of each six months period in which such taxes accrue."

Section 6. Chapter 101 of the Revised Laws of Hawaii 1945 is hereby further amended by adding thereto a new section to be numbered 5476.01 and to read as follows:

"**Sec. 5476.01. Entertainment business.** (a) As used in this section:

The term 'admission' means the amount paid for admission to any place, including admission by season ticket or sub-

scription, and also includes the amount paid for seats and tables, reserved or otherwise, and other similar accommodations.

The term 'transient taxpayer' refers to any person subject to the tax imposed by this chapter who has no permanent place of business in this territory.

(b) Every person receiving admissions for any circus, carnival, or any other place whatsoever at which a transient taxpayer is engaged in business (whether or not further admissions are charged inside the place, such further admissions, if any, being also subject to the provisions of this section), shall set aside from the admissions and hold in trust for the territory five per cent (5%) of such admissions, or such lesser amount as the commissioner shall approve as sufficient, to guarantee payment of the tax levied by this chapter on such transient performer or transient merchant. The amount so required to be set aside from the admissions shall be deposited with the commissioner promptly upon collection thereof, from time to time, for deposit by him in a special trust fund in the treasury of the territory, there to remain until refunded upon voucher of the commissioner, or until applied to the payment of the taxes guaranteed thereby with the consent of the person making such deposit, or until deposited in court pursuant to chapter 209, **provided**, further, that the commissioner may bring a suit to obtain an adjudication of his right to apply such guarantee fund in payment of taxes and may deposit such fund in court to await the results of such adjudication, or may be sued by an interested person seeking to obtain such adjudication and may be ordered to make such deposit in court, and the provisions of chapter 209 shall apply notwithstanding that the commissioner asserts a claim against the fund.

(c) If any person shall fail to promptly deposit the guarantee fund required by this section, the commissioner may distrain upon the admissions or any bank account or other asset in which the same can be found, for the purpose of obtaining and depositing in the treasury the required guarantee fund." [L. 1951, c. 165, s. 6.]

Section 7. Section 5478 of chapter 101 of the Revised Laws of Hawaii 1945 is hereby amended by inserting in the ninth line thereof, after the words "the same," the following:

"or if any person lawfully required so to do under this chapter shall fail to apply for and secure, on or before April 1, or shall fail to maintain in effect, a renewal of a license as provided by this chapter,".

Section 8. This Act shall not be construed as affecting in any manner, to the detriment of the territory, any taxes, interest, fines, penalties, forfeitures or other liabilities, or obligations, existing, due or incurred prior to the effective dates of the sections of this Act, nor as affecting the liability of any person to prosecution for any misdemeanor or other criminal offenses committed prior to said effective dates under the laws hereby amended, repealed or superseded; and all such taxes, interest, fines, penalties, forfeitures, liabilities, obligations, misdemeanors and other offenses may be assessed, enforced, collected, prosecuted or punished, as the case may be, in the same manner, to the same extent and subject to the same conditions, as if this Act had not been enacted.

Section 9. If any section, sentence, clause or phrase of this Act, or its application to any person or circumstances, is for any reason held to be unconstitutional or invalid, the remaining portions of this Act, or the application of this Act to other persons or circumstances, shall not be affected. The legislature hereby declares that it would have passed this Act and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 10. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 26, 1951.) H.B. 729, Act 165.

§ 5461. Monthly return, computation of tax, payment. AM. L. 1945, Act 253 [A-104]; am. L. 1951, Act 165 [A-121].

§ 5463. Penalty for delinquency. AM. L. 1945, Act 253 [A-104].

§ 5464. Annual return, payment of tax. AM. L. 1945, Act 253 [A-104].

§ 5465. Filing of returns; inspection. AM. L. 1945, Act 253 [A-104].

§ 5467. Erroneous returns, disallowance of exemption, payment. AM. L. 1945, Act 253 [A-104]; Act 100 [A-103]; am. L. 1947, Act 111 [A-81].

§ 5472. Records to be kept; examination; penalties. AM. L. 1945, Act 253 [A-104].

§ 5473. Appeal; correction of assessment. AM. L. 1945, Act 92 [A-99].

§ 5474. Tax debt due Territory; lien on property used in business. AM. L. 1945, Act 220 [A-98].

Series A-122: ACT 161

An Act to Amend Title 14 of the Revised Laws of Hawaii 1945, as Amended, by Amending Sections 5475 and 5385 of the Revised Laws of Hawaii 1945, and by Adding Thereto Two New Sections to Be Designated Sections 5360 and 5542, All Relating to the Creation of a Lien on Land for Unpaid Taxes, Penalties and Interest.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 5475 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 5475. Lien on land. The tax commissioner for the more effective collection of the tax may file in the office of the registrar of conveyances of the territory, at Honolulu, a certificate setting forth (a) the amount of the unpaid taxes, penalties and interest, computed to the date of the certificate, and (b) such further information, if any, as may be required by chapter 307 to procure a lien on registered land. Such certificate shall be recorded in a book provided for the purpose and thereafter the said unpaid taxes, penalties and interest, together with any penalties or interest further accruing, shall constitute a lien upon all the land of the taxpayer, both registered and unregistered, within the territory. Such lien shall be a paramount lien as against all parties whose interest arose after the recordation of the certificate, and may be foreclosed in a court of equity, except such land as may be exempt from levy and sale on execution under the provisions of section 10187. Upon the payment of the said taxes, penalties and interest, or of a portion thereof, the tax commissioner shall certify in duplicate the fact and amount of payment and the balance due, if any, and shall forward these certificates, one to the taxpayer and one to the said registrar. The registrar shall record such partial or total release, as the case may be, and thereafter the land of the taxpayer within the territory shall only be subject to a lien for any balance remaining unpaid." [L. 1935, c. 141, s. 17; am. L. 1941, c. 265, s. 9; R. L. 1945, s. 5475; am. L. 1951, c. 161, s. 1.]

Section 2. All liens created under the provisions of section 5475, as it read prior to the approval of this Act, shall remain in full force and effect and shall be discharged only as provided by the terms of section 5475, as it read prior to the approval of this Act.

Section 3. Section 5385 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 5385. Lien on land. The provisions of section 5475, as amended, are hereby made applicable to this chapter." [L. 1935, c. 160, s. 14; R. L. 1945, s. 5385; am. L. 1951, c. 161, s. 3.]

Section 4. Chapter 98 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding at the end thereof a new section to be designated "Sec. 5360" and reading as follows:

"Sec. 5360. Lien on land. The provisions of section 5475, as amended, are hereby made applicable to this chapter." [L. 1951, c. 161, s. 4.]

Section 5. Chapter 102 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding at the end thereof a new section to be designated "Sec. 5542" and reading as follows:

"Sec. 5542. Lien on land. The provisions of section 5475, as amended, are hereby made applicable to this chapter." [L. 1951, c. 161, s. 5.]

Section 6. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 26, 1951.) H.B. 53, Act 161.

§ 5476.01. Entertainment business. NEW, L. 1951, Act 165 [A-121], *supra*.

§ 5478. Collection by suit; injunction. Am. L. 1951, Act 165 [A-121], *supra*.

Chapter 102. INCOME TAX.

Series A-123: ACT 166

An Act to Amend Chapter 102 of the Revised Laws of Hawaii 1945, as Amended, Relating to Income Taxes, by Amending Sections 5501, 5502, 5506, 5508, 5511, 5516, and 5524 thereof.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 5501 of chapter 102 of the Revised Laws of Hawaii 1945 is hereby amended by amending the definition

of "dividend", being the second paragraph thereof, to read as follows:

"Dividend' means any distribution, whether in money or other property (including a stock dividend except as hereinafter provided), made by a corporation, local or foreign, to its shareholders or holders of an interest therein on account of ownership of such shares or interest, out of its earnings or profits, whenever earned, including distributions in complete or partial liquidation, **provided** that a distribution made as part of a plan to cease doing business and to wind up the affairs of the corporation, if and to the extent paid out of earnings or profits accumulated, or increase in value of property accrued, before January 1, 1943, shall not be deemed a dividend. Every distribution shall be deemed to have been made out of earnings or profits to the extent thereof, and from the most recently accumulated earnings or profits. A distribution made by a corporation to its shareholders in its stock or in rights to acquire its stock shall not be treated as a dividend to the extent that, at the time of such distribution, it does not constitute income to the shareholder in the sense of the word 'income' as used in the Sixteenth Amendment to the Constitution, but whenever a distribution by a corporation is, at the election of the shareholder, payable in money or property (other than stock of a class which if distributed without election would not constitute income), then the distribution shall be deemed a dividend regardless of the medium in which paid."

Section 2. Section 5502 of chapter 102 of the Revised Laws of Hawaii 1945, as amended by Act 124, Session Laws of 1945, and Act 111, Session Laws of 1947, is hereby further amended by deleting the proviso which commences in the fifth line and ends with the period at the end of said section, and by inserting in lieu thereof the following:

"provided, however, that the following shall not be taxable under this chapter:

(a) Banks, insurance companies, and agricultural cooperative associations, exclusively taxable under the provisions of other laws;

(b) Corporations, companies, associations or trusts conducted solely for charitable, religious, educational or scientific purposes within the Territory of Hawaii, including fraternal beneficiary societies;

(c) Corporations, companies, associations or trusts organized for the establishment and conduct of cemeteries,

no part of the net earnings of which inures to the financial benefit of any private shareholder or individual;

(d) Business leagues, chambers of commerce, real estate boards, or boards of trade, not organized for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual;

(e) Civic leagues or organizations not organized for profit but operated exclusively for the promotion of social welfare, or local associations of employees, the membership of which is limited to the employees of a designated person or persons, and the net earnings of which are devoted exclusively to charitable, educational, or recreational purposes within the Territory of Hawaii;

(f) Labor organizations;

(g) Clubs organized and operated exclusively for pleasure, recreation, and other non-profit purposes, no part of the net earnings of which inures to the benefit of any private shareholder;

(h) A trust created by any individual or corporation to provide for the payment of reasonable pensions or benefits to his or its employees or their beneficiaries, and which meets the requirements set forth in section 165 (a) of the Internal Revenue Code as amended by the Revenue Act of 1942, hereby incorporated by reference, for which purpose the word 'commissioner', appearing in said incorporated provision of the Internal Revenue Code, shall be deemed to refer to the tax commissioner."

§ 5502. Tax on corporations; exceptions. AM. L. 1945, Act 124 [A-106], rewritten pp. 195-6; am. L. 1947, Act 111 [A-81]; am. L. 1951, Act 166 [A-123].

§ 5503. Tax on individuals. AM. L. 1947, Act 111 [A-81].

§ 5503.01. Tax in case of joint return. NEW, L. 1949, Act 243 [A-156].

Section 3. Section 5506 of chapter 102 of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(a) By amending paragraph (b) thereof to read as follows:

"(b) **Capital gains.** Capital gains of an individual or corporation resulting from the sale, exchange, or other disposition of real property held in fee simple, improved or unimproved, or of stocks, bonds, or other like corporation or government securities, shall not be included in gross income; **provided**, however, that this paragraph shall not be deemed to apply to dividends as defined in this chapter; **provided**, further, that any individual or corporation having real property or securities which constitute his stock in trade, or which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year,

or which are held primarily for sale or other disposition to customers in the ordinary course of trade or business, shall include in gross income the gains from the sale or other disposition of such property."

(b) By amending paragraph (c) thereof by inserting therein, after the words "marine corps," the words "air force,".

(c) By amending paragraph (e) thereof to read as follows:

"(e) **Certain dividends.** (1) dividends of a national banking association; (2) dividends received by any corporation upon the shares of stock of another corporation, if at the date of payment of such dividend at least ninety-five per cent of such other corporation's capital stock is owned by one or more corporations doing business in this territory; (3) dividends received by any corporation upon the shares of stock of a bank or insurance company organized and doing business under the laws of the territory; (4) dividends received by any corporation upon the shares of stock of another corporation, if at least fifteen per cent of such latter corporation's business, for the taxable year of such latter corporation preceding the payment of such dividend, has been attributed to this territory. For the purposes of this paragraph fifteen per cent of a corporation's business shall be deemed to have been attributed to this territory if fifteen per cent or more of the entire gross income of such corporation as defined in this chapter (which for the purposes of this paragraph shall be computed without regard to source in the territory and shall include income not taxable by reason of the fact that it is from property not owned in the territory or from a trade or business not carried on in the territory in whole or in part) shall, under the provisions of section 5511 and the other provisions of this chapter, have been attributed to the territory and subjected to assessment of the net taxable income therefrom (including the determination of the resulting net loss, if any)."

Section 4. Section 5508 of chapter 102 of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(a) By amending paragraph (f) thereof to read as follows:

"(f) **Interest.** All interest paid or accrued within the taxable year on indebtedness, except on indebtedness incurred or continued to purchase or carry bonds of a state, territory or political subdivision thereof, or of the United States or its possessions, the interest upon which is wholly exempt from taxation under this chapter, or to purchase or carry property owned without the territory, or to carry on trade or business without the territory;".

(b) By amending paragraph (g) thereof to read as follows:

“(g) **Losses.** Losses sustained during the taxable year if incurred in the trade or business or in any transaction entered into for profit though not connected with such trade or business, except that capital losses of an individual or corporation resulting from the sale, exchange, or other disposition of real property held in fee simple, improved, or unimproved, or of stocks, bonds, or other like corporation or government securities, shall not be allowed as deductions; **provided**, however, that any individual or corporation having real property or securities which constitute his stock in trade, or which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year, or which are held primarily for sale or other disposition to customers in the ordinary course of trade or business, shall be allowed as deductions all losses from the sale or other disposition of such property.”

(c) By amending paragraph (j) thereof to read as follows:

“(j) **Taxes, etc.** All taxes, license fees, and other governmental impositions levied or assessed by the territory or any political subdivision thereof or by the United States and paid or accrued by the taxpayer (whether or not such taxpayer be owner, tenant, occupant or mortgagor, or otherwise liable for the same) within the taxable year, and taxes levied or assessed by any state, territory, county, municipality or other taxing subdivision of a state or territory, or by any foreign jurisdiction, upon or in respect of interest or dividends included in the return as gross income subject to tax, except:

(1) Taxes assessed against local benefits of a kind tending to increase the value of the property assessed, but this paragraph shall not exclude the allowance as a deduction of so much of such improvement taxes as is properly allocable to maintenance or interest charges;

(2) Federal income taxes upon income received or derived from sources without the territory, and for the purposes of this paragraph dividends excluded from the income of a corporation solely because of clause (2) of section 5506 (e) shall be deemed to be from sources without the territory;

(3) Estate, inheritance, and gift taxes.”

§ 5508. **Gross income; deductions from.** Am. L. 1947, Act 150 [A-87], Act 132 [A-88]; am. L. 1949, Act 243 [A-156]; am. L. 1951, Act 166 [A-123].

§ 5509. **Exemptions.** Am. L. 1947, Act 213 [A-86].

Section 5. **Section 5511** of chapter 102 of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(a) By deleting subsection (3) and the first paragraph of subsection (4), and inserting in lieu thereof the following:

"(3) Every person shall be deemed to be carrying on a trade or business in the territory if his net income therefrom is subject to the taxing jurisdiction of this territory by reason of his engaging in activities in this territory, or causing transactions to be conducted in this territory, with the object of gain, profit, or economic benefit, whether or not such activities or transactions are in or connected with interstate or foreign commerce. Where the trade or business of a taxpayer is carried on both within and without the territory, the portion of the net income attributable to the territory shall, so far as practicable, be determined by an allocation and separate accounting, when the trade or business of a taxpayer within the territory is not an integral part of a unitary business conducted within and without the territory; **provided**, however, that the commissioner may permit an allocation and separate accounting in any case in which he is satisfied that the use of such method will properly reflect the income taxable by this territory. In all cases in which, as to all or a part of the taxpayer's income, allocation and separate accounting is not permissible, such income shall be apportioned to this territory on the basis of the ratio obtained by taking the arithmetical average of the ratios prescribed in subsection (4).

(4) (a) If the principal business of the taxpayer in this territory is producing or manufacturing tangible personal property, including without limitation the business of fishing, or raising or producing agricultural, animal, poultry or natural resource products, or canning, packing, milling, preserving, and other forms of compounding, processing, or preparing commodities for sale or use, the ratios used shall be: the ratio of the value of the tangible property (real, personal and mixed, inclusive of leasehold interests) owned by the taxpayer in this territory on the last day of the taxable year in connection with such trade or business, exclusive of property the income of which is separately allocated, to the total of such property everywhere (hereinafter called the property ratio); and the ratio of the wages, salaries, commissions and other compensation of the taxpayer's employees for services performed in this territory, exclusive of services in connection with business the income of which is separately allocated, to the total of such compensation for employees' services everywhere (hereinafter called the payroll ratio).

(b) If paragraph (a) does not apply and the taxpayer's principal business in this territory is selling tangible per-

sonal property, the ratios used shall be the property ratio, the payroll ratio, and the ratio of gross sales attributable to this territory to the total of gross sales everywhere. There shall be attributed to this territory all sales of such tangible personal property (I) delivered to a purchaser at a point within this territory, or (II) shipped to a purchaser at a point within this territory, or (III) delivered to a purchaser at a point outside this territory or shipped to a purchaser at a point outside this territory, if such point is located in a state, territory, or similar taxing jurisdiction in which the taxpayer is not doing business, and the sale was made on an order secured or received by an office or branch in this territory or a representative residing or stationed in this territory.

(c) In all other cases the ratios used shall be the property ratio, the payroll ratio, and the ratio of the taxpayer's gross receipts in the territory from such trade or business to his gross receipts everywhere from such trade or business."

(b) By numbering the last paragraph of said section (presently the second paragraph of subsection (4), so that the same shall become subsection (5).

(c) By inserting in the fifth line of said last paragraph so numbered subsection (5), after the word "taxpayer" and the comma, the following:

"or if the taxpayer shall show that the methods of allocation hereinabove provided result in net income being allocated to the territory in a larger amount than is just and equitable,".

(d) By deleting the period at the end of said last paragraph, so renumbered subsection (5) and adding the following:
"as being just and equitable."

Section 6. Section 5516 of the Revised Laws of Hawaii 1945 is hereby amended by amending the last sentence thereof to read as follows:

"If any installment is not paid on or before the date fixed for its payment, the collector may, at his election, cause the whole amount of the tax unpaid to become payable upon not less than ten days' notice and demand, and the same shall be paid upon the date so fixed in the notice and demand from the collector."

Section 7. Section 5524 of chapter 102 of the Revised Laws of Hawaii 1945 is hereby amended by amending the first paragraph thereof to read as follows:

"Sec. 5524. Individual returns. Every individual having any gross income for the taxable year, except as exempted

from the filing of a return by regulations of the commissioner, shall make a return which shall be authenticated by the signature of the individual or his authorized agent under the penalties provided by section 5134, stating specifically the items of his gross income and the deductions allowed under this chapter. The commissioner, by regulation, may exempt individuals from the filing of a return in cases in which no tax accrues under this chapter."

Section 8. If any section, sentence, clause or phrase of this Act, or its application to any person or circumstances, is for any reason held to be unconstitutional or invalid, the remaining portions of this Act, or the application of this Act to other persons or circumstances, shall not be affected. The legislature hereby declares that it would have passed this Act and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, sentences, clauses or phrase be declared unconstitutional or invalid.

Section 9. This Act shall apply to all income taxes due January 1, 1952, or for a taxable year commencing in 1951, and thereafter.

(Approved May 26, 1951.) H.B. 732, Act 166.

§ 5524. Individual returns. AM. L. 1949, Act 243 [A-156]; am. L. 1951, Act 166 [A-123].

§ 5535. Appeal. AM. L. 1945, Act 92 [A-99]; am. L. 1951, Act 224 [A-41], supra.

§ 5542. Lien on land. NEW, L. 1951, Act 161 [A-122], supra.

Chapter 103. INHERITANCE AND ESTATE TAX.

§ 5553. Same, joint holdings. AM. L. 1945, Act 262 [A-107].

§ 5555. Rates; exempt amount. AM. L. 1945, Act 262 [A-107].

§ 5556. Contingent interests, etc. AM. L. 1945, Act 262 [A-107], rewritten p. 197.

§ 5561. Reciprocal provision, definitions. AM. L. 1947, Act 175 [A-90].

§ 5562. Resident decedents; credits. AM. L. 1945, Act 262 [A-107].

§ 5563. Non-resident decedents. AM. L. 1945, Act 262 [A-107].

§ 5567. Payable when; penalty for non-payment. AM. L. 1945, Act 262 [A-107].

§ 5568. Penalty reduced, when. AM. L. 1945, Act 262 [A-107].

§ 5573. Duties of safe deposit companies, trust companies, banks, corporations, partnerships, persons, etc. AM. L. 1945, Act 262 [A-107].

Series A-124: ACT 69

An Act Relating to the Inheritance Tax and Amending Section 5574 of the Revised Laws of Hawaii 1945, as amended.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 5574** of the Revised Laws of Hawaii 1945 as amended by Act 37 (Series A-108) of the Session Laws of Hawaii 1945 is hereby further amended by substituting for the period at the end of the first sentence thereof a semicolon and adding the following words:

“provided, that no appraiser shall be appointed by the circuit judge where the treasurer waives in writing the appointment of such appraiser.”

Section 2. This Act shall take effect upon its approval.

(Approved May 15, 1951.) **H.B. 1125, Act 69.**

§ 5574. Appraisers, penalty for taking award. AM. L. 1945, Act 37 [A-108].

Chapter 104. LIQUOR TAX.

§ 5601. Definitions. Am. L. 1947, Act 111 [A-81]; AM. L. 1949, Act 343 [A-157]. See L. 1951, Act 284 [F-320].

§ 5602. Permit. Am. L. 1949, Act 343 [A-157].

§ 5604. Tax. Am. L. 1947, Act 111 [A-81]; AM. L. 1949, Act 343 [A-157].

§ 5605. Statement of tax as separate part of price. AM. L. 1949, Act 343 [A-157].

§ 5606. Rep. L. 1949, Act 343 [A-157].

§ 5607. Return, form, contents. Am. L. 1947, Act 111 [A-81]; am. L. 1949, Act 343 [A-157], rewritten p. 307.

§ 5608. Payment of tax; penalty for delinquency. Am. L. 1949, Act 343 [A-157].

§ 5609. Determination of tax, additional assessments, credits and refunds. Am. L. 1949, Act 343 [A-157].

§ 5610. Records to be kept. AM. L. 1949, Act 343 [A-157].

§ 5613. Appeals. AM. L. 1945, Act 92 [A-99].

§ 5617. Penalties. Am. L. 1949, Act 343 [A-157].

[Chapter 105. PERSONAL PROPERTY TAX. **Repealed.**]

§§ 5631-5647. Rep. L. 1947, Act 111 [A-81], [as of Jan. 1, 1948.]

Chapter 106. PUBLIC UTILITIES TAX.

§ 5672. Definitions; computation of net operating income. AM. L. 1945, Act 78 [A-110].

§ 5672.01. Exemption from real property taxes. NEW, L. 1949, Act 218 [A-151].

Chapter 108. SPECIFIC TAXES.

Series A-125: ACT 222

An Act to Amend Chapter 108 of the Revised Laws of Hawaii 1945, Relating to the Vehicle Weight Tax, by Amending Sections 5704, 5706 and 5707 Thereof.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 5704 of the Revised Laws of Hawaii 1945 is hereby amended by amending the definition of the term "net weight" so as to read as follows:

"Sec. 5704. 'Net weight' of a vehicle shall mean the actual weight of each vehicle, as determined on a standard scale, with all equipment and accessories ordinarily attached to and used on the same. In the case of a motor vehicle, it shall include the maximum fuel, oil and water possible of being carried for the operation of same, **provided**, however, that 'net weight' of a new standard equipped passenger vehicle shall mean the shipping weight thereof as established by the manufacturer thereof, plus one hundred pounds."

Section 2. Section 5706 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 5706. Tax for fraction of years, refunds; removal from territory; junked vehicles; non-resident owned vehicle temporarily in territory. Whenever it shall be made to appear to the treasurer that any vehicle taxable under this subtitle has been acquired subsequent to January 1 of the current year, by the person seeking to register the same, and such vehicle is not subject to unpaid taxes for the same or any prior year under this subtitle, the tax to be paid thereon shall be as provided under this title less eight and one-third per centum of such tax for each full month of the then calendar year which shall have elapsed at the date the vehicle was acquired; and whenever it shall be made to appear to the treasurer that any vehicle taxable under this subtitle

has been removed from storage where it was not used for transportation or for other purposes covered by section 5705, subsequent to January 1 of the current year, by the person seeking to register the same, and such vehicle is not subject to unpaid taxes for the same or any prior year under this subtitle, the tax to be paid thereon shall be as provided under this subtitle for the entire year without deduction; **provided:**

(a) That any vehicle owned and brought into the territory for temporary use therein by a non-resident of the territory, solely for the purpose of transporting persons, shall be exempt from the provisions of this subtitle relative to the payment of taxes and display of number plates for a period of three months from the date of entry of such vehicle into the territory, if such non-resident has paid in the state or country of his domicile the taxes for the registration of such vehicle due and payable for the current calendar year in accordance with the law of such state or country, and shall display on such vehicle the number plates for the current year required by the law of such state or country; and

(b) That if any owner of a vehicle upon which has been paid the annual tax due and payable for the current calendar year as required by this subtitle, intends to remove from the territory such vehicle and not bring it back to the territory during the same calendar year, or if he permanently junks such vehicle during the calendar year for which the annual tax as required has been paid, he shall, upon presenting to the treasurer a signed and sworn certificate stating, (1) in the case of such intended removal from the territory, such intention, the date of intended shipment of the vehicle, the name of the steamer or vessel by which the shipment is intended, or (2) in the case of junking, the fact of such junking, together with such other relevant facts as may be required by the treasurer, and upon surrender of the current license plates for such vehicle, become entitled to a refund of a portion of the tax, computed at the rate of eight and one-third per centum of the annual tax for each integral month remaining in such calendar year (1) after such intended removal, or (2) after such junking, or (3) after such surrender of the said license plates, whichever is the later. From the date of the surrender of the said license plates as aforesaid, such vehicle, in the case of such intended removal, shall, except for the purpose of driving the same to the place of embarkation, be deemed an unlicensed vehicle, and shall be permitted, should it be brought back to the territory prior to the expiration of such calendar year, to be operated in the territory only upon payment to the treasurer of the entire amount of tax refunded as aforesaid. No vehicle taxable under this subtitle shall be

removed from the territory or be junked unless the owner thereof has first paid the annual tax due and payable thereon for the current calendar year as required herein and has thereupon become entitled to a refund of a portion of the said tax paid." [R. L. 1935, pt. of s. 2157; am. L. 1937, c. 214, s. 1, subs. 2; R. L. 1945, s. 5706; am. L. 1949, c. 167, s. 2; am. L. 1951, c. 222, s. 2.]

Section 3. Section 5707 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 5707. Exemptions for new vehicles, official vehicles, and store vehicles. All new vehicles, otherwise taxable under this subtitle, in stock for purposes of sale, and all publicly owned vehicles and all motor vehicles and motorcycles owned by police officers of the territory or any county and actually used by them in their travel on official business, shall be exempt from the tax herein provided for, and number plates for all such vehicles or such motorcycles may be issued as now and hereafter provided by ordinance of the county.

Further, all vehicles, otherwise taxable under this subtitle, stored so that they are not used for transportation or for the other purposes covered by said section 5705, shall be exempt from the tax herein required; **provided**, however, that the owner of each such vehicle shall have first presented to the treasurer a signed and sworn certificate stating the fact of such storage, together with such other relevant facts as may be required by the treasurer, and shall have also surrendered the current license plates for such vehicle. The annual tax due and payable thereon for the current calendar year shall have been paid in full prior to or at the time the aforesaid signed and sworn certificate shall be presented to the treasurer. The said tax so paid, or any portion thereof, shall not be subject to refund." [R. L. 1935, pt. of s. 2157; am. L. 1937, c. 214, s. 1, subs. 3; am. L. 1941, c. 193, s. 1; R. L. 1945, s. 5707; am. L. 1951, c. 222, s. 3.]

Section 4. This Act shall take effect upon its approval.

(Approved May 28, 1951.) H.B. 251, Act 222.

Series A-126: ACT 162

An Act Relating to Motor Vehicles.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 5705 of the Revised Laws of Hawaii 1945 is hereby amended by substituting for the word "March" in line six thereof, the word "April".

Section 2. Section 5708 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 5708. Number plates. Upon receipt of the tax the treasurer shall number and register the vehicle in the owner's name in a permanent record or book to be kept by him for this purpose, and shall furnish the owner thereof with a receipt which will show upon its face the license number issued for the vehicle, and shall show the fact that the license tax has been paid thereon for the whole or the remainder of the current year in which the receipt is issued. The treasurer shall also furnish the owner, (a) upon the original registration of the vehicle, two number plates, for the vehicle with the registration number marked thereon, together with a tag or emblem bearing a serial number and with the year of issue marked thereon; (b) upon the payment of the tax for each year subsequent to the year of original registration, a tag or emblem bearing a serial number and with the year of issue marked thereon, or both. Transfer of current number plates, tag or emblem, except as authorized by this chapter or by chapter 138, is declared a misdemeanor, punishable by a fine of not more than fifty dollars for each offense.

Upon an original registration the treasurer shall charge the owner a fee equal to the costs of the number plate and tag or emblem plus the administrative cost of furnishing such plate and tag or emblem and effecting the registration to be fixed by the secretary of the territory. Upon issuing such tag or emblem in subsequent years, the treasurer shall charge the owner a fee of fifty cents. The owner shall securely fasten the number plates on the vehicle, one on the front and the other on the rear thereof, in such manner as to prevent the plates from swinging and at a minimum of sixteen inches from the ground. Such plate shall at all times be displayed entirely unobscured and be kept reasonably clean. Upon the issuance of the tag or emblem for each year subsequent to the year of the initial payment of the tax and the original registration of the vehicle, the owner shall affix said tag or emblem in the following manner: (a) if a tag, to the front number plate; (b) if an em-

blem, to the lower right hand corner of the windshield of the vehicle. If both tags and emblems are issued, they shall be affixed in the aforesaid manner.

After the initial payment of the tax and the original registration of a vehicle as herein specified, a motor vehicle shall not be required to be reweighed in any succeeding year unless the same has been so altered or changed as to increase or diminish the weight thereof. No new number plates shall, however, be issued to a new owner except as provided in section 5709.

Should an owner of a vehicle registered in any county, upon disposition of the vehicle, request that the license plates furnished to him with respect to the registration of said vehicle be assigned to another vehicle subsequently acquired by him, said assignment may be made by the treasurer at his discretion. To defray additional administrative costs incurred by acceding to such requests, the treasurer shall charge a fee of five dollars for each such reassignment of license plates, in lieu of the fee for registration provided hereinafter. The procedure for registering said vehicles shall otherwise be identical with that provided above by this section.

The treasurer shall, on or before the fifth day of each month, send to the chief of police of the county a list of the numbers issued by him and of changes in ownership recorded by him during the preceding month, together with a general description of the vehicles and the name and address of the owner to whom issued or registered. The chief of police shall retain each such list as a permanent record of his office." [R. L. 1935, pt. of s. 2157; am. L. 1937, c. 214, s. 1, subs. 4; R. L. 1945, s. 5708; am. L. 1951, c. 162, s. 2.]

Section 3. Section 5709 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 5709. Duplicates for lost or damaged plates, tags, or emblems. Upon the loss, defacement or destruction of a number plate or plates, tag or emblem issued upon any vehicle, or where the number plate, tag or emblem has become illegible or is in such condition as to be difficult to read, the owner of such vehicle shall make application for a new number plate or plates, tag or emblem upon such form as shall be prescribed by the county treasurer. The owner shall be required, in addition to other requirements, to make a complete statement as to the cause of the loss, defacement or destruction of such original num-

ber plate or plates, tag or emblem. Upon the filing of such form, a new number plate or plates, tag or emblem shall be issued by the treasurer who shall charge the owner an amount equal to the cost of the new plate or plates, tag or emblem." [R. L. 1935, pt. of s. 2157; am. L. 1937, c. 214, s. 1, subs. 5; R. L. 1945, s. 5709; am. L. 1951, c. 162, s. 3.]

Section 4. Section 5710 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 5710. Uniform number plates; purchase. The number plates hereinabove referred to shall be uniform throughout the territory and shall be used upon all vehicles for which a tax has been paid pursuant to this subtitle. All such plates shall bear the word 'Hawaii', shall have a distinct contrast between the color of the plate and the numerals and letters thereon, and shall be of such shape, size and color, and with such arrangements of letters and numbers as may, subject to the provisions of this subtitle, be determined by the secretary of the territory. The numerals on all such plates shall be not less than three inches in height and the strokes thereof not less than three-eighths inch in width, except in the case of motorcycles, in which case the numerals shall be not less than one inch in height and the strokes thereof not less than one-eighth inch in width.

The secretary of the territory shall contract annually on behalf of the counties for the purchase of all number plates, tags or emblems required. The contract for the procurement of such plates, tags or emblems shall specify the delivery date not later than September 1st of each year. The board of supervisors of each county shall appropriate and cause to be paid over to the party with whom the secretary shall contract, or to the secretary as he may direct, such sum or sums as the secretary shall determine to be the county's proportionate share of the expense of such contract and the charges connected therewith. Such contract shall be made by the secretary as agent of the several counties, and the proportionate liability of each county shall be stated in the contract. Notwithstanding any other provision of law, such contract shall constitute a valid obligation of each county for its proportionate share." [R. L. 1935, pt. of s. 2157; am. L. 1937, c. 214, s. 1, subs. 6; R. L. 1945, s. 5710; am. L. 1947, c. 33, s. 1; am. L. 1951, c. 162, s. 4.]

Section 5. Section 5711 of the Revised Laws of Hawaii 1945 is hereby amended by substituting for the word "March" in line three thereof, the word "April".

Section 6. The first paragraph of section 7341 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 7341. Registration, expense. Every certificate of registration issued under this part shall expire at midnight on the 31st day of December of each year and shall be renewed annually before April 1st of each year upon application by the registered owner by presentation of the last issued certificate of registration, such renewal to take effect as of January 1st of each year. The certificates of registration issued hereunder shall show, in addition to all information required under section 7340, the serial number of the tag or emblem and shall be valid during the registration year only for which they are issued, and the certificates of ownership need not be renewed annually but shall remain valid as to any interest shown therein until cancelled by the treasurer as provided by law or replaced by new certificates of ownership as hereinafter provided."

Section 7. The second paragraph of section 7347 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"No person owning or having control of any vessel, airplane or other means of transportation, and no agent or employee of such person, shall transport any such vehicle from any county in the territory to any other place away from such county, or accept the same for such transportation, or deliver any bill of lading, order or other written instrument authorizing such transportation, unless the person requesting such transportation (a) shall produce a certificate of ownership and a current certificate of registration showing that he is the legal owner of such vehicle or (b) shall produce, if he is not the legal owner thereof, a current certificate of registration showing that he is the registered owner of such vehicle and, in addition thereto, the written consent of the legal owner thereof to such transportation."

Section 8. This Act shall take effect on January 1, 1953.

(Approved May 26, 1951.) H.B. 222, Act 162.

§ 5713. Road fund. AM. L. 1945, Act 83 [A-111].

Chapter 109. TOBACCO TAX.

§ 5753. Tax. Am. L. 1945, Act 115 [A-112]; AM. L. 1949, Act 344 [A-158].

§ 5760. Appeals. AM. L. 1945, Act 92 [A-99].

Title 15: TREASURY.

Chapter 110. DEPARTMENT.

§ 5802.01. Short term investment of territorial moneys. NEW. L. 1945, Act 59 [A-113]; AM. L. 1947, Act 244 [A-92].

§ 5803. Fiscal agents. Am. L. 1945, Act 59 [A-113].

§ 5812. Purchase of county bonds. Am. L. 1945, Act 133 [A-114]; am. L. 1947, Act 167 [A-93]; am. L. 1949, Act 342 [A-159].

§ 5812.01. Power of counties to incur excess liabilities. NEW, L. 1949, Act 342 [A-159].

§ 5813. Fees. AM. L. 1949, Act 172 [A-160].

Chapter 111. BANK EXAMINER.

Series A-127: ACT 99

An Act to Amend Chapter 111 of the Revised Laws of Hawaii 1945, Relating to the Territorial Bank Examiner and Providing Penalties for Violations of Said Chapter.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 5825 of the Revised Laws of Hawaii 1945 is hereby amended by adding a new paragraph thereto to read as follows:

"Any failure or refusal to comply with an order of the bank examiner to cease violating a statutory provision or lawful order in writing directing the discontinuance of illegal or unsafe or unauthorized practices, shall be deemed a violation of this chapter and punishable as provided in section 5829."

Section 2. Section 5829 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 5829. Misdemeanor; penalty. Any violation by any person of any of the provisions of this chapter shall be

deemed a misdemeanor, and be punished by a fine not exceeding fifty thousand dollars, or by imprisonment for a term not exceeding one year, or by both fine and imprisonment." [L. 1913, c. 78, s. 8; R. L. 1925, s. 1272; R. L. 1935, s. 2228; R. L. 1945, s. 5829; am. L. 1951, c. 99, s. 2.]

Section 3. Chapter 111 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto a new section to be numbered 5829.01 to provide punishment for certain felonies, said section to read as follows:

"Sec. 5829.01. Felony; penalty. The commission of any offense punishable under section 5829, when committed with intent to defraud, shall be deemed a felony, and shall be punishable by a fine not exceeding one hundred thousand dollars, or by imprisonment for a term not exceeding one year, or by both fine and imprisonment." [L. 1951, c. 99, s. 3.]

Section 4. Chapter 111 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto a new section to be numbered 5830.01 to read as follows:

"Sec. 5830.01. Duty to report illegal acts. Any officer or director of any corporation or any member of a partnership or any individual that is or may be subject to examinations provided for by this chapter, shall immediately in writing notify the bank examiner as to circumstances of any act of robbery, embezzlement or fraud committed in connection with the affairs of such institution when the concerned act involves a sum in excess of \$2,500.00. Delay or failure to give such notice shall be deemed a misdemeanor and punishable under section 5829." [L. 1951, c. 99, s. 4.]

Section 5. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 18, 1951.) H.B. 723, Act 99.

§ 5828. Fees. AM. L. 1949, Act 321 [A-161]; Am. Sp. L. 1949, Act 14 [A-22].

Series A-128: ACT 103

An Act Relating to Banks, Trust Companies or Savings and Loans Associations and Authorizing Destruction of Records and Files After a Prescribed Period of Time and Relating to the Effect of the Destruction of Such Records.

Be it Enacted by the Legislature of the Territory of Hawaii:

[Sec. 5836.] Section 1. [Destruction of records of banks, trust companies, saving and loan associations.] Except as herein provided no bank, trust company, or saving and loan association shall be required to preserve or keep its records or files for a longer period than ten years next after the first day of January of the year following the time of the making or filing of such records or files, **provided**, that unless a photographic, photostatic, microfilm, micro-card, miniature photographic, or other reproduction by a durable medium for reproducing the original shall be made and thereafter retained, the following records or files of every bank, trust company, or saving and loan association shall not be destroyed except in accordance with regulations of the bank examiner promulgated hereunder, viz: minute books of meetings of shareholders, directors and executive committee; capital stock ledger; general ledgers and trust ledgers. [L. 1951, c. 103, s. 1.]

[Sec. 5837.] Section 2. [No liability for destroyed records, when.] No liability shall accrue against any bank, trust company, or saving and loan association by reason of the destruction of such records or files after the expiration of the time provided for and in accordance with the terms of this Act. A showing that such records or files have been destroyed in accordance with the terms of this Act shall be a sufficient excuse for the failure to produce them. [L. 1951, c. 103, s. 2.]

[Sec. 5838.] Section 3. [Rules and regulations.] The bank examiner shall have power to make, amend and repeal rules and regulations not inconsistent with the provisions of this Act, as in his judgment seem appropriate for the carrying out of the destruction of any records pursuant to the provisions of this Act which, when approved by the governor and published once in a Honolulu daily newspaper of general circulation, shall have the force and effect of law. [L. 1951, c. 103, s. 3.]

[Sec. 5839.] Section 4. [Application of law to national banks.] The provisions of this Act, so far as may be permitted by the laws of the United States, shall apply to national banks.

Section 5. This Act shall take effect thirty days after its approval and shall apply to existing as well as future records and files.

(Approved May 18, 1951.) H.B. 1010, Act 103.

Chapter 113. DEPOSIT OF MONEY IN BANKS.

§ 5851. Authorized; conditions. AM. L. 1945, Act 119 [A-115].

§ 5854. Provisions of depository contracts. AM. L. 1945, Act 119 [A-115].

Chapter 114. TERRITORIAL INSURANCE FUND: INSURANCE ON PUBLIC VEHICLES.

§ 5873. Additional appropriation to fund. NEW, L. 1945, Act 89 [A-116].

Series A-129: ACT 264

An Act Relating to the Protection of Government Property, Personnel and Operations, Providing For a Survey of Hazards Thereto and Making An Appropriation Therefor, Providing for Insurance and Self-Insurance and Amending Provisions Respecting the Territorial Insurance Fund and Bonds of Public Officers and Employees.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 114, as amended, of the Revised Laws of Hawaii 1945, is hereby further amended in the following particulars:

(a) By amending section 5874 of the Revised Laws of Hawaii 1945, as enacted by Act 245 (Series A-94) of the Session Laws of Hawaii 1947, by deleting the words "insurance commissioner" and substituting the words "director of the bureau of the budget" in the last sentence of said section.

§ 5874. Insurance on public vehicles. NEW, L. 1947, Act 245 [A-94]; am. L. 1951, Act 264 [A-129].

(b) By adding thereto the following new sections:

"Sec. 5875. Insurance management. The director of the bureau of the budget shall have authority to supervise and direct the determination and treatment for the best interests of the Territory of all risk appertaining to its property,

personnel and operations and for such purpose, he shall have the following authority: (1) to obtain from the head of each department information and data respecting the property, personnel and operations of such department in order to determine the potential exposure to loss from every hazard; (2) to formulate and direct a program for the reduction of such risks by the use of all technical personnel and facilities of the Territory; and (3) to insure each exposure to loss by the purchase of insurance, either on a complete or excess coverage basis, or to cover the same in whole or part by the insurance fund. The term 'department' as used in this section shall include any board, commission or other agency of the Territory. Premiums on any policy purchased under the provisions of this section shall be payable out of the insurance fund. [L. 1951, c. 264, pt. of s. 1(b).]

Sec. 5876. Bonds of public officers and employees; payments from insurance fund. Losses to the Territory caused by the dishonesty or the nonfeasance or misfeasance of any officer or employee of the Territory, if not covered by any bond, may be covered with the approval of the governor by the territorial insurance fund. Premiums on bonds purchased under the provisions of this section shall be paid out of the insurance fund. The governor shall have the authority to require bonds of such officers and employees of the Territory as he may deem necessary or proper for the protection of the Territory and to prescribe the amounts thereof. The governor shall determine whether the bonds of such officers and employees shall be honesty bonds or faithful performance bonds, whether such bonds shall be purchased on an individual, blanket or schedule basis and whether such bonds shall provide coverage on a complete or excess basis, so that risks may be handled for the best interests of the Territory. Any bond furnished under the provisions of this section shall be approved by the governor as to sufficiency and by the attorney general as to form, and such approval shall be endorsed thereon, **provided** that if an individual bond shall be required of the attorney general, the governor shall approve as to the form as well as the sufficiency of such bond." [L. 1951, c. 264, pt. of s. 1(b).]

Section 2. **Sections 483 to 496, inclusive**, as amended, of the Revised Laws of Hawaii 1945, and all other laws relating to bonds of officers and employees of the Territory are hereby repealed.

Section 3. In connection with insurance management under section 5875, as enacted by this Act, the director of the bureau

of the budget shall be authorized (a) to formulate and carry out a program of research and study to determine ways and means of reducing the hazard to human life in the utilization of buildings and property of the Territory and to determine ways and means of protecting government property by reducing the exposure thereof to loss, (b) to prepare and submit to the governor and the legislature a report or survey reflecting the results of such research, and (c) to employ and retain any public or private institutions, companies, associations or individuals, within or without the Territory having specialized facilities or techniques to assist the director in the conduct of such safety and conservation program and to make recommendations with respect thereto and otherwise to assist the director. Such report shall contain the following:

(a) Information with respect to the exposure of government property in the Territory to loss and damage, including the analysis and evaluation of the causes and effects of such loss and damage, an inventory of said property and appropriate estimates of its value to guide technical personnel in the development and computation of replacement values and actual cash values, information with respect to government exposure to loss of personal property, including money and securities of the government, and a coordinated and centralized record of all real, personal and mixed property to be prepared and maintained under the direction and supervision of the director;

(b) Suggested measures for reducing exposure of property, real, personal and mixed, of the Territory to loss by the use and application of modern fire protection engineering and safety engineering principles and practices; and

(c) An analysis of the manner in which risks may be handled for the best interests of the Territory.

Section 4. There is hereby appropriated from the general revenues of the Territory of Hawaii not otherwise appropriated the sum of \$35,000.00 for the research purposes set forth in this Act. The sum hereby appropriated shall be expended upon warrants drawn by the auditor of the Territory, based upon vouchers approved by the director of the bureau of the budget.

Section 5. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved June 5, 1951.) S.B. 471, Act 264.

COUNTY GOVERNMENT

Chapter 115. TERRITORIAL BOND ISSUES.

PART I: GENERAL AND REFUNDING BONDS.

§§ 5901-18. General refunding. AM. L. 1947, Act 218 [A-95].

§ 5923. Sinking fund for term bonds; special reserve for refunding serial bonds; how made; deficits; reports. AM. L. 1945, Act 8 [E-220]; am. L. 1947, Act 107 [A-68], Act 243 [A-96].

§ 5924. Additional payments to sinking fund. AM. L. 1945, Act 82 [A-87], rewritten pp. 155-6; Act 8 [E-220].

§ 5926. Transfer of bonds of the Territory redeemed prior to maturity. AM. L. 1945, Act 8 [E-220].

§ 5927. Purchase of bonds when. AM. L. 1945, Act 42 [A-117].

§ 5930.01. Lapsing of unneeded appropriations. NEW, L. 1947, Act 243 [A-96].

PART IV. REVENUE BONDS.

§§ 5931-49. Ter. revenue bonds. NEW, L. 1947, Act 74 [A-97].

PART B. COUNTY GOVERNMENT.

Title 16: GENERAL GOVERNMENTAL PROVISIONS COMMON TO ALL COUNTIES.

Chapter 116. ADMINISTRATIVE, GENERAL.

§§ 6004.01-.02. Destruction of vouchers, etc. NEW, L. 1947, Act 146 [B-98]. See § 460.02.

§ 6007. Road fund. AM. L. 1945, Act 83 [A-111].

§§ 6008.01-.02. Investment of funds. NEW, L. 1945, Act 43 [B-118].

§ 6009.01. Loans to Territory. NEW, L. 1945, Act 133 [A-114].

§ 6017. Suits against police. AM. L. 1945, Act 162 [B-119].

§ 6020. Free emergency ambulance service by counties; when rendered. NEW, L. 1949, Act 246 [B-162].

§ 6020.01. Free police escort for funerals. NEW, L. 1949, Act 193 [B-163].

§§ 6021.01-.02. Abandoned vehicles. NEW, L. 1949, Act 194 [B-164].

§§ 6021.03-.07. Disposition of unclaimed property. NEW, L. 1949, Act 319 [B-165].

§§ 6022.01-.04. Counties and Haw. housing authority. NEW, L. 1949, Act 268 [B-166].

§§ 6022.05-.06. Garbage service, etc. to Haw. housing authority. NEW, L. 1949, Act 281 [B-167].

§ 6022.06. Garbage, trash disposal. Am. Sp. L. 1949, Act 20 [B-23], rewritten p. 45.

Chapter 118. BONDS: REVENUE BOND ACT OF 1935.

§ 6081. **Definitions.** Am. L. 1947, Act 74 [A-97], Act 45 [F-211]; am. L. 1949, Act 291 [B-168], Act 153 [B-169], rewritten p. 323; am. L. 1951, Act 171 [B-143], Act 152 [B-148], *infra*.

Series B-130: ACT 7

An Act Amending Chapter 118, Revised Laws of Hawaii 1945, as Amended, Relating to Revenue Bonds.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 118, Revised Laws of Hawaii 1945, as amended, is hereby amended by amending section 6095 thereof to read as follows:

"Sec. 6095. Termination of power to issue bonds. Except in pursuance to any contract or agreement theretofore entered into by any municipality, no municipality shall borrow any money or deliver any bonds pursuant to this chapter to the purchasers thereof after June 30, 1953." [L. 1935, c. 174, s. 17; R. L. 1945, s. 6095; am. L. 1945, c. 33, s. 1; am. L. 1947, c. 10, s. 1; Ch. 396, 61 Stat. 676, Pub. 286; am. L. 1949, c. 4, s. 1; am. L. 1951, c. 7, s. 1.]

Section 2. This Act shall take effect from and after the date of its approval.

(Approved April 27, 1951.) S.B. 35, Act 7.

Chapter 119. EMINENT DOMAIN.

Series B-131: ACT 96

An Act to Amend Section 6101 of Chapter 119 of the Revised Laws of Hawaii 1945, Relating to the Power of Eminent Domain of the County Government, With Respect to the Purposes for the Taking of Private Property.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 6101** of chapter 119 of the Revised Laws of Hawaii 1945 is hereby amended by adding the following

phrase after the semicolon in the tenth line of said section: "for flood control; for reclamation of swamp lands;".

Section 2. This Act shall take effect upon its approval.

(Approved May 18, 1951.) S.B. 542, Act 96.

§ 6102. Proceedings according to chapters 8 and 8.01. AM. L. 1951, Act 12 [A-8], *supra*.

Chapter 120. HIGHWAYS, SIDEWALKS, etc.

§ 6111. Public highways defined, etc. AM. L. 1947, Act 142 [B-100]; am. L. 1949, Act 74 [B-171], rewritten p. 325, Act 64 [D-300], Act 222 [B-204].

§ 6113. In charge of the supervisors. AM. L. 1947, Act 142 [B-100].

§ 6113.01. Workers' tools, etc. to be furnished by counties. NEW, L. 1947, Act 88 [B-101].

§ 6115.01. Counties to maintain privately constructed improvements, when NEW, L. 1949, Act 74 [B-171].

§§ 6116-20. Rep. L. 1947, Act 142 [B-100].

§ 6124. Signs. AM. L. 1945, Act 172 [A-86].

§ 6130. Sidewalks. AM. L. 1945, Act 68 [B-121].

§ 6133. Rep. L. 1947, Act 7 [B-102].

§ 6135. Owners to clean sidewalks. AM. L. 1945, Act 68 [B-121].

§ 6138. Parks. AM. L. 1949, Act 185 [A-32].

Chapter 121. PENSIONS.

§ 6184. County boards. AM. L. 1947, Act 87 [B-103]; see Appendix Note 9, p. 453, et seq.

§ 6185. Payment, conditions. AM. L. 1949, Act 156 [B-172].

§ 6188. Computation of service. AM. Sp. L. 1949, Act 58 [B-24], rewritten p. 46.

§ 6191. Amount. AM. L. 1949, Act 250 [B-173].

§§ 6192.01-.02. Other pensions. NEW, L. 1945, Act 264 [B-122].

Series B-132: ACT 65

An Act to Amend Chapter 121, as Amended,
of the Revised Laws of Hawaii 1945, Relating to Pen-
sions.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 121, as amended, of the Revised Laws of Hawaii 1945 is hereby further amended by substituting for the

date "1951" in section 6192.03 thereof, as amended by Act 161 of the Session Laws of Hawaii 1949, the date "1953".

Section 2. This Act shall take effect upon its approval.

(Approved May 10, 1951.) H.B. 946, Act 65.

§ 6192.03. Other pensions; effective date. NEW, L. 1945, Act 264 [B-122]; AM. L. 1947, Act 153 [B-104]; am. L. 1949, Act 161 [B-174]; am. L. 1951, Act 65 [B-132].

§ 6192.04. County appropriations directed. NEW, L. 1945, Act 264 [B-122].

Chapter 121.01. URBAN REDEVELOPMENT ACT.

§§ 6195.01-24. Urban re-development agencies, etc. NEW, L. 1949, Act 379 [B-175].

Series B-133: ACT 244

An Act to Amend Chapter 121.01 of the Revised Laws of Hawaii 1945, as Enacted by Act 379 of the Session Laws of Hawaii 1949 (Series B-175), by Amending Sections 6195.03, 6195.04, 6195.05, 6195.06, 6195.10, 6195.16, 6195.17, 6195.21 and 6195.24 Thereof Relating to Urban Redevelopment; Authorizing Boards of Supervisors of Counties to Prepare Master Plans for the County When the Board Has Not Been Authorized to Establish a Planning Commission; Authorizing Redevelopment Agencies to Acquire Undeveloped, Vacant Areas in Connection with the Redevelopment of Blighted Areas, Exercise the Power of Eminent Domain, Issue Bonds and Other Obligations, and Give Security Therefor, and Enter Into Agreements to Secure Financial Aid or Contributions and Comply With Conditions Imposed in Connection Therewith; and Authorizing Counties to Issue and Sell Bonds for the Purpose of Donating Funds to a Redevelopment Agency.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 6195.03 of chapter 121.01 of the Revised Laws of Hawaii 1945, as enacted by Act 379 of the Session Laws of Hawaii 1949, is hereby amended:

A. By amending subsections numbered 3, 9 and 10 thereof to read, respectively, as follows:

"3. 'Blighted area' shall mean an area (including a slum area), whether it be improved or unimproved, in which

conditions such as the dilapidation, deterioration, age or obsolescence of the buildings or improvements thereon; inadequate ventilation, light, sanitation, or open spaces, or other insanitary or unsafe conditions; high density of population and overcrowding; defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility or usefulness; diversity of ownership; tax or special assessment delinquency exceeding the fair value of the land; defective or unusual conditions of title; improper subdivision or obsolete platting; existence of conditions which endanger life or property by fire or other causes; or any combination of such factors or conditions, predominate, thus making the area an economic or social liability; or conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime; or otherwise detrimental to the public health, safety, morals and welfare.

9. 'Redevelopment' means the planning, development, re-planning, redesign, clearance, reconstruction or rehabilitation, or any combination of these, of a redevelopment area or part thereof, and the provision of such residential, commercial, industrial, public or other structures or spaces as may be appropriate or necessary in the interest of the general welfare, including recreational and other facilities incidental or appurtenant thereto. The term does not exclude the continuance of existing buildings or uses whose demolition and rebuilding or change of use are not deemed essential to the redevelopment and rehabilitation of the area. The term includes provision for open space types of use, such as streets and other public grounds and space around buildings, as well as buildings, structures and improvements, public or private, and improvements of recreation areas, public or private, and other public grounds.

10. 'Redevelopment area' means all or a portion of an area in a county which the planning commission thereof has determined to be a blighted area and whose redevelopment is necessary to effectuate the public purposes declared in this Act."

B. By adding thereto a new subsection numbered 16 to read as follows:

"16. 'Obligee' shall include any bondholder, agents or trustees for any bondholders, or lessor demising to the agency property used in connection with a redevelopment project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the agency."

Section 2. **Section 6195.04** of chapter 121.01 of the Revised Laws of Hawaii 1945, as enacted by Act 379 of the Session

Laws of Hawaii 1949, is hereby amended by amending subsection "a" thereof to read as follows:

"a. The board of a county by resolution may create a local redevelopment agency for such county, which shall be a county agency and a public body, corporate and politic, and shall consist of five members, who shall be outstanding and public-spirited citizens and who shall have resided in the county for at least three years immediately preceding their appointment. Two of such members shall be appointed by the mayor or chairman of the board, with the approval of the board, two by the governor, and the remaining member by the presiding judge of the circuit court for such county, except that for the city and county of Honolulu such appointment shall be made by the presiding judge of the land court; **provided** that, if it shall be finally held by a court of competent jurisdiction, that such appointment by a judge cannot validly be required by law, then such appointment shall be made by the mayor or chairman of the board. The members of such agency shall serve for terms of five years each; **provided** that, upon the initial appointment of the members of such agency, one member appointed by the governor shall serve for a term of one year, and the other so appointed for a term of four years, one member appointed by the mayor or chairman of the board shall be appointed for a term of two years, and the other so appointed for a term of three years, and the member appointed by a judge shall be appointed for a term of five years, from the effective date of the resolution creating such agency. Each vacancy shall be filled by the appointing power which originally made such appointment, for the remainder of the unexpired term."

Section 3. Section 6195.04 of chapter 121.01 of the Revised Laws of Hawaii 1945, as enacted by Act 379 of the Session Laws of Hawaii 1949, is hereby amended:

A. By amending paragraphs 4, 5, 6, 7, 8, 10, 12, 15 and 16 of subsection "e" thereof to read, respectively, as follows:

"4. To make preliminary surveys, studies, and plans to identify redevelopment areas and to make redevelopment plans for any such area, which plans shall be in conformity with the master plan for the development of the locality, and each such plan shall show the outline of the area, character of existing development, proposed use of land, general character of new buildings and other general details of redevelopment, as well as the preliminary estimated cost thereof. In preparing redevelopment plans the agency shall be entitled to and shall utilize such assistance as can be

given by employees of the government, but may also enter into contracts for professional services in connection therewith. Any board which is not otherwise authorized to establish a planning commission with power to prepare a master plan for the physical development of the locality, is hereby authorized and empowered to prepare such a master plan for the purposes of initiating and carrying out a redevelopment project under this Act.

5. Before adopting a redevelopment plan, the agency shall be assured that satisfactory housing facilities are available or that reasonable provisions will be made for the temporary housing of any families displaced by the removal of living facilities from the redevelopment project. In making such determination the agency shall confer with the Hawaii Housing Authority respecting the handling of displaced families that would be eligible for occupancy of living facilities in projects owned and operated by the Authority.

6. The agency shall submit the redevelopment plan to the planning commission for study and approval thereof. The planning commission may approve, amend and approve, or disapprove such plan.

7. After the planning commission has approved a redevelopment plan, and upon acceptance thereof by the agency if amended, the agency shall submit the plan to the board which shall hold a public hearing thereon, after giving published notice thereof on three separate days, the first publication to be at least ten days before the date of such hearings, and may approve, amend and approve, or disapprove such plan, by resolution; **provided**, that the board shall not approve, or amend and approve, such plan unless it finds that the redevelopment project area is a blighted area within the urban limits of the county; and **provided** further, that any amendment made by the board must be accepted by the agency before final approval by the board. If the board approves a redevelopment plan, published notice of such approval shall be given by at least three publications and further proceedings with respect to the redevelopment project covered by the plan shall be stayed for a period of thirty (30) days after the first publication of such notice. The time for the commencement of actions, suits or proceedings to contest the validity of the proceedings prescribed by the foregoing provisions of this Act or of the redevelopment plan shall be barred upon the expiration of said period of thirty (30) days, and no action thereafter commenced shall raise any question concerning

the validity of the proceedings provided by the foregoing provisions of this chapter or of said plan, and in all actions, suits or proceedings commenced after the expiration of said period of thirty (30) days, except as to matters affecting jurisdiction, the validity of the proceedings prescribed by the foregoing provisions of this Act and of said plan shall be conclusively presumed. Upon the expiration of said thirty-day period, the agency shall have power to further proceed with the redevelopment project or projects covered by such redevelopment plan.

8. After the redevelopment plan is officially approved by the board or after such thirty-day period has expired, or after the final dismissal or determination of any such action, suit or proceeding, if filed (unless such determination shall hold that such proceedings with reference to the redevelopment plan or such plan are invalid), the agency is authorized and may proceed to acquire land in the redevelopment project.

Private real property in an area, needed for a redevelopment project, which is to be acquired pursuant to this Act, may be acquired by the agency by condemnation or otherwise, including any property devoted to a public use, whether or not held in trust, notwithstanding that such property may have been previously acquired by condemnation or is owned by a public utility, it being hereby expressly determined that the public use in conformity with the provisions of this Act shall be deemed a superior public use; provided, that real property belonging to a public utility may not be acquired without the approval of the public utilities commission or tribunal having regulatory power over such public utility.

The board may consent to the condemnation of property owned by the county, whether or not such property be held in trust, or may sell or lease to an agency any such property necessary or convenient for a redevelopment project, with or without right to assign or sublease and without public bidding, provided published notice of a meeting to consider such sale or lease is given and a public hearing is held by the board before such action. The term of any such lease shall not be limited by any provision of any other law limiting the period of time during which a lease or any renewal thereof may run.

An award of compensation shall not be increased by reason of any increase in the value of the real property caused by the assembly, clearance or reconstruction, or proposed as-

sembly, clearance or reconstruction for the purposes of this Act of the real property in a redevelopment area.

A board, upon payment therefor or upon exchange for other lands, or without consideration, may convey to an agency land owned by the county in any street or public place which is duly closed or discontinued pursuant to the plan of a redevelopment project.

Public lands or lands owned by any other agency or instrumentality of the government, may, with the approval of the governor, be transferred to an agency by the officer, agency or instrumentality authorized to convey the same upon payment therefor or upon exchange for other lands, or without consideration, notwithstanding any other law to the contrary.

The procedure upon condemnation by an agency shall be the same as that prescribed by the laws of the Territory for condemnation by a county except that the members of the agency shall be substituted for the board wherever mentioned in said such laws, and that such proceeding shall be brought and title shall be acquired in the name of the agency.

Upon the effective date of this Act any agency may exercise the powers of eminent domain in the manner hereinbefore provided.

10. At any time after the approval of the redevelopment plan and before disposing of any of its lands or properties, the agency shall appoint three competent persons to make independent appraisals of the value of its property, based upon the future use of the area under the redevelopment plan. Such appraisals shall serve only as a guide for the agency in determining a fair price for the disposal of its land and property but need not be adhered to in making such disposal, and shall become a public record and subject to examination by any interested person after such disposal.

12. The agency shall sell real property acquired by it for a redevelopment project at its fair value for use in accordance with the redevelopment plan notwithstanding such value may be less than the cost of acquiring and preparing such property for redevelopment. The property may be sold to one or more individuals, corporations or public bodies or to a redevelopment corporation under such limitations, restrictions, requirements, or covenants as will insure its being developed and continued in use in accordance with the redevelopment plan, and in a manner that will best promote the interests and welfare of the urban area in which

such project is situated; **provided** that, where a redevelopment corporation is the purchaser, the contract or conveyance shall include a statement of the tax exemption, if any, which will be allowable under section 21, and any other terms necessary to carry into effect the provisions of this Act relating to redevelopment corporations; **provided**, further, that, before making a contract to sell such property under the last sentence of section 16 of this Act, or otherwise selling such property, the agency shall give published notice of intention so to contract, or to sell such property, and within sixty days after the first publication of such notice, an owner or owners comprising the persons or their successors in interest who owned immediately before acquisition thereof by the agency, more than one-half in value (based upon cost of acquisition including improvements so acquired) of a lot or area to be separately covered by such contract or to be separately sold, or a redevelopment corporation more than fifty (50) per cent of the subscribed capital stock of which is held or subscribed by owners of land in such lot or area, shall be entitled to preference in the awarding of such contract or in such sale. The agency shall enforce any such limitations, restrictions, requirements and covenants throughout their duration by injunction, or other action at law or in equity, or by any other appropriate means. Such limitations, restrictions, requirements or covenants shall have the effect of covenants running with the land for such period and with such exceptions as may be provided in the deeds or contracts relating to such sale. In making any such sale the agency shall impose and require among other things a reasonable time limit for initiating construction of the redevelopment project.

15. The agency may borrow money and apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the federal government, the Territory, county or other public body or from any sources, public or private, for purposes of this Act and may give such security as may be required and may enter into and carry out contracts in connection therewith; and the agency, notwithstanding the provisions of any other law, may include in any contract for financial assistance with the federal government for a redevelopment project such conditions imposed pursuant to federal law as the agency may deem reasonable and appropriate and which are not inconsistent with the purposes of this Act. In fulfilling its duties the agency may expend funds legally loaned, appropriated, or granted to it by any agency of the government,

funds received as gifts or contributions, and funds received from the sale or use of its properties. All moneys received by any agency shall be paid into the treasury of the county to be held in a redevelopment fund, hereby created, to the credit of such agency and shall be disbursed upon warrants of the county auditor based upon vouchers signed by the chairman or acting chairman of the agency or any subordinate of the agency duly authorized by it to sign such vouchers.

16. a. An agency shall have power to issue bonds from time to time in its discretion for any of its corporate purposes including the payment of principal and interest upon any advances for surveys and plans for redevelopment projects. An agency shall also have power to issue refunding bonds for the purpose of paying or retiring or in exchange for bonds previously issued by it. An agency may issue such types of bonds as it may determine, including (without limiting the generality of the foregoing) bonds on which the principal and interest are payable:

1. Exclusively from the income, proceeds and revenues of the redevelopment project financed with the proceeds of such bonds; or
2. Exclusively from the income, proceeds and revenues of any of its redevelopment projects whether or not they are financed in whole or in part with the proceeds of such bonds;

Provided that any such bonds may be additionally secured by a pledge of any loan, grant or contributions, or parts thereof, from the federal government or other source, or a mortgage of any redevelopment project or projects of the agency.

b. Neither the members of an agency nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof. The bonds and other obligations of the agency (and such bonds and obligations shall so state on their face) shall not be a debt of the United States, the county, or the Territory and neither the county, the Territory, nor the United States shall be liable thereon, nor in any event shall such bonds or obligations be payable out of any funds or properties other than those of said agency acquired for the purposes of this Act. The bonds shall not constitute an indebtedness within the meaning of any debt limitation or restriction. Bonds of an agency are declared to be issued for an essential public and governmental purpose and to be public instrumental-

ities and, together with interest thereon and income therefrom, shall be exempt from all taxes.

c. Bonds of an agency shall be authorized by its resolution and may be issued in one or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, not exceeding six per cent per annum, be in such denomination or denominations, be in such form either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium) as such resolution, its trust indenture or mortgage may provide.

d. The bonds shall be sold at not less than par at public sale held after notice published once at least ten (10) days prior to such sale in a newspaper having a general circulation in the county and in such other medium of publication as the agency may determine; **provided**, that such bonds may be sold to the federal government at private sale at not less than par, and, in the event less than all of the bonds authorized in connection with any project or projects are sold to the federal government, the balance of such bonds may be sold at private sale at not less than par at an interest cost to the agency of not to exceed the interest cost to the agency of the portion of the bonds sold to the federal government.

e. In case any of the members or officers of the agency whose signatures appear on any bonds or coupons shall cease to be such members or officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such members or officers had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this Act shall be fully negotiable.

f. In any suit, action or proceedings involving the validity or enforceability of any bond of an agency or the security therefor, any such bond reciting in substance that it has been issued by the agency to aid in financing a redevelopment project, as herein defined, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located and carried out in accordance with the purposes and provisions of this Act.

g. In connection with the issuance of bonds and in order to secure the payment of such bonds or obligations, an agency, in addition to its other powers, shall have power:

1. To pledge all or any part of its gross or net rents, fees or revenues to which its right then exists or may thereafter come into existence;

2. To mortgage all or any part of its real or personal property, then owned or thereafter acquired;

3. To covenant against pledging all or any part of its rents, fees and revenues, or against mortgaging all or any part of its real or personal property, to which its right or title then exists or may thereafter come into existence or against permitting or suffering any lien on such revenues or property; to covenant with respect to limitations on its right to sell, or otherwise dispose of any redevelopment project or any part thereof; and to covenant as to what other, or additional debts or obligations may be incurred by it;

4. To covenant as to the bonds to be issued and as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the proceeds thereof; to provide for the replacement of lost, destroyed or mutilated bonds, to covenant against extending the time for the payment of its bonds or interest thereon; and to covenant for the redemption of the bonds and to provide the terms and conditions thereof;

5. To covenant (subject to the limitations contained in this Act) as to the amount of revenues to be raised each year or other period of time by fees and other revenues, and as to the use and disposition to be made thereof; to create or to authorize the creation of special funds for moneys held for operating costs, debt service, reserves, or other purposes, and to covenant as to the use and disposition of the moneys held in such funds;

6. To prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given;

7. To covenant as to the use, maintenance and replacement of any or all of its real or personal property, the insurance to be carried thereon and the use and disposition of insurance moneys, and to warrant its title to such property;

8. To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation; and to covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations shall become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived;

9. To vest in any obligees of the agency the right to enforce the payment of the bonds or any covenants securing or relating to the bonds; to vest in any obligee or obligees holding a specified amount in bonds the right, in the event of a default by said agency, to take possession of and use, operate and manage any redevelopment project or any part thereof, title to which is in the agency, or any funds connected therewith, and to collect the rents and revenues arising therefrom and to dispose of such moneys in accordance with the agreement of the agency with such obligees; to provide for the powers and duties of such obligees and to limit the liabilities thereof; and to provide the terms and conditions upon which such obligees may enforce any covenant or rights securing or relating to the bonds; and

10. To exercise all or any part or combination of the powers herein granted; to make such covenants (other than and in addition to the covenants herein expressly authorized) and to do any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds, or, in the absolute discretion of said agency, as will tend to make the bonds more marketable notwithstanding that such covenants, acts or things may not be enumerated herein.

h. An agency shall have power by its resolution, trust indenture, mortgage or other contract to confer upon any obligee holding or representing a specified amount in bonds, the right (in addition to all rights that may otherwise be conferred), upon the happening of an event of default as defined in such resolution or instrument, by suit, action or proceeding in any court of competent jurisdiction:

1. To cause possession of any redevelopment project or any part thereof, title to which is in the agency, to be surrendered to any such obligee;

2. To obtain the appointment of a receiver of any redevelopment project of said agency or any part thereof, title to which is in the agency, and of the rents and profits therefrom. If such receiver be appointed, he may

enter and take possession of, carry out, operate and maintain such project or any part thereof and collect and receive all fees, rents, revenues, or other charges thereafter arising therefrom, and shall keep such moneys in a separate account or accounts and apply the same in accordance with the obligations of said agency as the court shall direct; and

3. To require said agency and the commissioners, officers, agents and employees thereof to account as if it and they were the trustees of an express trust.

i. An obligee of an agency shall have the right in addition to all other rights which may be conferred on such obligee, subject only to any contractual restrictions binding upon such obligee:

1. By mandamus, suit, action or proceeding at law or in equity to compel said agency and the members, officers, agents or employees thereof to perform each and every term, provision and covenant contained in any contract of said agency with or for the benefit of such obligee, and to require the carrying out of any or all such covenants and agreements of said agency and the fulfillment of all duties imposed upon said agency by this Act; and

2. By suit, action, or proceeding in equity, to enjoin any acts or things which may be unlawful, or the violation of any of the rights of such obligee of said agency."

B. By adding to subsection "e" thereof a new paragraph numbered 20 to read as follows:

"20. Where an agency finds: (a) that there is a shortage of decent, safe and sanitary housing in the county; (b) that the provision of decent, safe and sanitary dwelling accommodations on undeveloped vacant land, not within a blighted area, is necessary to accomplish the relocation of families to be displaced from blighted areas which are to be redeveloped; and (c) that the acquisition of a particularly described area of such undeveloped vacant land (hereinafter called an 'auxiliary redevelopment area'), suitable for development for predominantly residential uses and so characterized in the master plan, is essential to the proper clearance or redevelopment of blighted areas or a necessary part of the general program for clearance or redevelopment of blighted areas in the county; then, subject to the conditions hereinafter stated, the acquisition, planning, preparation for development or disposal of such auxiliary redevelopment area shall constitute a redevelopment project which may be undertaken by the agency in the manner provided

by this Act. The procedure for the preparation, submission, and the final approval, amendment and approval, or disapproval, of such redevelopment project, and subsequent proceedings with respect thereto, shall be the same, as nearly as may be, as in the case of other redevelopment projects, except that: (a) the board shall not approve such plan or project unless it shall, by resolution, concur in every finding of the agency required by this paragraph 20 and also find that such auxiliary redevelopment area will be developed for predominantly residential uses; (b) the requirement of a finding that the redevelopment project is in a blighted area prescribed by paragraph 7 of this subsection "e" shall not be applicable; and (c) the auxiliary redevelopment area must be: (1) within the city of Honolulu, as defined by section 6502 of the Revised Laws of Hawaii 1945, if the blighted area or areas to be cleared or redeveloped be within said city of Honolulu; (2) within the city of Hilo, as defined by section 6351 of said Revised Laws, if such blighted area or areas be within said city of Hilo; or (3) within one mile of such blighted area, or one of such blighted areas, if such blighted area or areas be located elsewhere than in said cities of Honolulu and Hilo."

Section 4. Section 6195.05 of chapter 121.01 of the Revised Laws of Hawaii 1945, as enacted by Act 379 of the Session Laws of Hawaii 1949, is hereby amended:

A. By deleting from the first sentence of subsection 1 thereof the words "the authority and".

B. By amending the last two lines of said subsection 1 to read as follows:

"to be allotted to agencies by the director of the bureau of the budget in accordance with this Act."

C. By amending subsection 2 thereof to read as follows:

"2. Any county within which a redevelopment project is located or is about to be located shall have power from time to time to make loans, donations, or advances to the local agency of such sums as in its discretion it may determine, such loans, advances or donations to be made for the purpose of aiding or cooperating in the prosecution of such redevelopment project. Such local agency, when it has money available therefore, shall reimburse such county for all advances made by way of a loan to it. For the purpose of raising funds for donation to an agency, any county within which a redevelopment project is located may issue and sell its bonds. Any bonds to be issued by the county pursuant to the provisions of this section shall be issued in the manner and within the limitation prescribed by the laws of the

Territory for the issuance and authorization of bonds for public purposes generally; **provided**, however, that the board may issue such bonds without holding an election on the question of the issuance of such bonds as required by section 6043 of said Revised Laws."

D. By amending subsection 4 thereof to read as follows:

"4. All territorial appropriations made under this section shall be allocated to the respective redevelopment agencies upon the basis of actual need therefor, or as otherwise provided by law."

E. By deleting and repealing subsections 5, 7 and 8 of said section.

Section 5. **Section 6195.06** of chapter 121.01 of the Revised Laws of Hawaii 1945, as enacted by Act 379 of the Session Laws of Hawaii 1949, is hereby amended by inserting the words "by purchase" after the word "acquire" in the second line of the paragraph numbered 2 in said section.

Section 6. **Section 6195.10** of chapter 121.01 of the Revised Laws of Hawaii 1945, as enacted by Act 379 of the Session Laws of Hawaii 1949, is hereby amended by deleting from the fifth and sixth lines of said section the words "or, in the case of a lease, for amortization,".

Section 7. **Section 6195.16** of chapter 121.01 of the Revised Laws of Hawaii 1945, as enacted by Act 379 of the Session Laws of Hawaii 1949, is hereby amended by deleting the words "or lease" wherever they appear in said section.

Section 8. **Section 6195.17** of chapter 121.01 of the Revised Laws of Hawaii 1945, as enacted by Act 379 of the Session Laws of Hawaii 1949, is hereby amended by deleting the words "or leasing" from lines 1 and 2 of paragraph numbered 4 in said section.

Section 9. **Section 6195.21** of chapter 121.01 of the Revised Laws of Hawaii 1945, as enacted by Act 379 of the Session Laws of Hawaii 1949, is hereby amended by deleting the words "or amortization" from the twenty-eighth line of said section.

Section 10. **Section 6195.24** of chapter 121.01 of the Revised Laws of Hawaii 1945, as enacted by Act 379 of the Session Laws of Hawaii 1949, is hereby amended to read as follows:

"**Sec. 6195.24 Effective date.** This Act shall take effect upon its approval." [L. 1949, Act 379, s. 24; am. L. 1951, c. 244, s. 10.]

Section 11. This Act shall take effect upon its approval.

(Approved May 28, 1951.) S.B. 136, Act 244.

Title 17: GOVERNMENT OF HAWAII, KAUAI, MAUI.

Chapter 122. GENERAL PROVISIONS.

§ 6208. Office hours. Rep. L. 1949, Act 232 [A-16]. See § 477.

§ 6220. Election returns; ballots. Am. L. 1945, Act 236 [B-123], rewritten p. 219.

§ 6233. Supervisors' powers. Am. L. 1945, Act 56 [B-124]; Act 190 [B-125]; Am. L. 1951, Act 271 [B-147]; Act 129 [A-57].

§ 6233.01. Admission fees, rentals, for certain uses of public grounds and parks, Kauai, Maui. NEW, L. 1949, Act 10 [B-176].

Series B-134: ACT 220

An Act to Amend Title 17 of the Revised Laws of Hawaii 1945, as Amended, Relating to the Governments of the Counties of Hawaii, Kauai, and Maui, by Amending Section 6235 With Respect to Advertisements of Bills and Resolutions, and the Amendments of Ordinances; and by Adding Thereto a New Section to Be Designated 6272.1 Prohibiting Private Practice by County Attorneys and Their Deputies During Office Hours.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Title 17 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended as follows:

Subsection 1. By amending the last sentence of **section 6235** thereof to read as follows:

"It is **provided**, however, that nothing contained in this section shall prohibit the adoption of resolutions upon one reading for the purpose of regulating, marking, and adjusting the movement of traffic and pedestrians, in connection with traffic ordinances, and such resolutions need not be published; **provided**, further, that no person shall be punished for violating such resolutions so adopted unless the regulation, mark or adjustment sought to be effected is clearly indicated in the places where effective by legible markers or signs."

Subsection 2. By adding thereto a new section to be designated section 6272.1 and to read as follows:

Sec. 6272.1. Private practice by county attorney and his deputies prohibited during office hours. The county attorney and his deputies shall not engage in the private practice of law during office hours." [L. 1951, c. 220, s. 2.]

Section 2. This Act shall take effect on July 1, 1951.

(Approved May 28, 1951.) H.B. 68, Act 220.

§ 6239. Meetings of supervisors. Am. L. 1947, Act 197 [B-105].

§ 6255. Liability specified thereon. AM. L. 1949, Act 256 [B-177].

§ 6272.01. Assignment of police officers. NEW, L. 1949, Act 249 [B-178].

§ 6272.1. Private practice by county attorney and his deputies prohibited during office hours. NEW, L. 1951, Act 220 [B-134], supra.

Chapter 122 A. POLICE DEPARTMENTS.

§§ 6291-99. Police Depts., Haw., Kauai, Maui. NEW, L. 1947, Act 212 [B-106].

§ 6300. Appropriations. NEW, L. 1947, Act 212 [B-106]; am. L. 1949, Act 233 [B-179], Act 224 [B-180], Act 23 [B-181].

§§ 6301-02. Disbursement, hearings. NEW, L. 1947, Act 212 [B-106].

§ 6303. Quarters. NEW, L. 1947, Act 212 [B-106], am. L. 1949, Act 36 [B-182].

§ 6304. Generators. NEW, L. 1947, Act 212 [B-106].

Series B-135: ACT 233

An Act Relating to Police Departments, Counties of Hawaii, Maui and Kauai, and Amending Chapter 122A of the Revised Laws of Hawaii 1945, and Act 212 (Series B-106) of the Session Laws of Hawaii 1947.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 6305 of chapter 122A of the Revised Laws of Hawaii 1945, as enacted by Act 212 (Series B-106) of the Session Laws of Hawaii 1947, is hereby amended to read as follows:

"Sec. 6305. Salaries; probationary appointment. (a) The annual salaries of the officers and members of the police department shall be as follows:

Chief of police\$8,780.00

Assistant chief of police:

\$6780.00 for the 1st year of service

7080.00 for the 2nd year of service

7380.00 for the 3rd year of service

7680.00 for the 4th and subsequent years of service

Captains of police:

\$4885.00 each for the 1st year of service

5105.00 each for the 2nd year of service

5325.00 each for the 3rd year of service

5550.00 each for the 4th year of service

5780.00 each for the 5th and subsequent years of service

Lieutenants of police:

\$4085.00 each for the 1st year of service

4285.00 each for the 2nd year of service

4485.00 each for the 3rd year of service

4685.00 each for the 4th year of service

4885.00 each for the 5th and subsequent years of service

Sergeants of police:

\$3390.00 each for the 1st year of service

3540.00 each for the 2nd year of service

3715.00 each for the 3rd year of service

3895.00 each for the 4th year of service

4085.00 each for the 5th and subsequent years of service

Patrolmen:

\$2850.00 each for the 1st year of service

2965.00 each for the 2nd year of service

3095.00 each for the 3rd year of service

3240.00 each for the 4th year of service

3390.00 each for the 5th and subsequent years of service

Guards:

\$2430.00 each for the 1st year of service

2530.00 each for the 2nd year of service

2630.00 each for the 3rd year of service

2740.00 each for the 4th year of service

2850.00 each for the 5th and subsequent years of service

(b) All original appointments to service in the police department shall be probationary during the first year of service." [L. 1947, c. 212, pt. of s. 1; am. L. 1951, c. 233, s. 1.]

Section 2. "Years of service" referred to in section 6305 (a) herein shall be years of service in the department after the effective date of this Act; **provided**, however, that any officer or employee who is assigned a compensation higher than the minimum rate for his position shall be credited with the years of service necessary to attain such higher rate after an original

appointment to such position. Any increases in salary payments resulting from the application of this Act shall be deemed to be "salary increases" within the meaning of section 6300 of the Revised Laws of Hawaii 1945, as enacted by Act 212 (Series B-106) of the Session Laws of Hawaii 1947 and as amended, providing for the appropriation of necessary sums to meet salary increases by the boards of supervisors of the counties of Hawaii, Kauai and Maui.

Section 3. In determining initially the compensation to be paid employees occupying positions covered by the compensation schedules prescribed herein, the following rules shall govern:

(1) The compensation fixed for each position on June 30, 1951, shall be used as the base for making adjustments provided herein. Adjustment of compensation of any employee promoted or of any person employed after June 30, 1951, shall be on the basis of the compensation schedule prescribed in this Act.

(2) If the employee was receiving compensation less than the minimum rate for the position which he occupies, the compensation shall be increased to the minimum rate.

(3) If the employee was receiving compensation within the range of salary prescribed for the position at one of the rates fixed therein, no change shall be made in the existing compensation.

(4) If the employee was receiving compensation within the range of salary prescribed for the position but not at one of the rates fixed therein, the compensation shall be increased to the next higher rate.

(5) If the employee was receiving compensation in excess of the range of the salary prescribed for the position, he shall continue to receive such compensation so long as he continues to serve in the position with substantially the same duties and responsibilities; **provided**, however, that notwithstanding the provisions of this section the compensation of no incumbent shall be reduced below the rate being paid him on the effective date of this Act so long as he continues to hold the same position.

(6) If, after the adjustment of compensation of all employees has been made in accordance with subsections (2), (3) and (4) hereof, it is shown that no change has been made in an employee's rate of compensation, or that such employee's adjustment is less than the value of one increment of the salary range prescribed for the position, the compensation of such employee shall be further adjusted by the addition of one increment, to the next higher rate but not higher than the maximum rate.

Section 4. The base pay increases granted by the Public Salary and Bonus Laws of 1945 (Series A-4: Act 263) and of 1947

(Series A-4: Act 208) or by any other law enacted at the regular session of the twenty-sixth legislature, shall not be applicable or payable to any of the officers and employees whose salaries are fixed by this Act, but any general bonus for all public employees which may be granted under said laws or under any other similar law, shall be applicable and payable to said officers and employees as a full time bonus.

Section 5. This Act shall take effect July 1, 1951.

(Approved May 28, 1951.) S.B. 31, Act 233.

§ 6306. Car allowances; insurance. NEW, L. 1947, Act 212 [B-106].

Chapter 123. FIRE DEPARTMENTS.

§ 6311. Organization. Am. L. 1949, Act 25 [B-192].

§ 6315. Does not apply to Maui. L. 1949, Act 25 [B-192], L. 1947, Act 174 [B-114]; see L. 1951, Act 144 [B-141], Hawaii Fire Department.

SALARIES OF FIREMEN.

Series B-136: ACT 203

An Act Relating to the Salaries of Employees of the Fire Departments of the Counties of Hawaii, Maui and Kauai.

Be it Enacted by the Legislature of the Territory of Hawaii:

[Sec. 6333.] Section 1. [Salaries of firemen.] It is hereby provided that the salaries of firemen, and fire apparatus operators employed by the counties of Hawaii, Maui and Kauai shall be uniform and no such fireman or fire apparatus operator shall receive a salary less than the salary paid for similar work in the county of Hawaii. [L. 1951, c. 203, s. 1.]

Section 2. This Act shall take effect on July 1, 1951.

(Approved May 28, 1951.) S.B. 491, Act 203.

Series B-137: ACT 221

An Act to Amend Sections 6352, 6411 and 6451 of the Revised Laws of Hawaii 1945, as Amended, Relating to Salaries of the Officers of the Counties of Hawaii, Kauai and Maui; and to Provide for Fixing of Salaries of Appointive Heads of Departments and Salaries of Deputies and Assistants of Departments Whose Heads Are Elected or Appointed in Said Counties.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 6352 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended to read as follows:

"Sec. 6352. Salaries of certain officers, Hawaii. The salaries of the following full time officers of the county of Hawaii are hereby fixed and shall be payable monthly out of the county treasury at the following annual rates:

	Per Annum
Chairman and executive officer	\$9,500
Members of board of supervisors (each)	2,400
County attorney	8,780
Auditor	8,280
Treasurer	7,680
Clerk	7,680."

[R. L. 1935, pt. of s. 2816; am. L. 1935, c. 14; am. L. 1939, c. 56; am. Sp. L. 1941, c. 95, s. 3; am. L. 1943, c. 62, s. 19; am. L. 1943, c. 70, ss. 1, 2; R. L. 1945, s. 6352; am. L. 1947, c. 209, s. 1; am. L. 1951, c. 221, s. 1.]

Section 2. Section 6411 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended to read as follows:

"Sec. 6411. Salaries of certain officers, Kauai. The salaries of the following officers of the county of Kauai are hereby fixed and shall be paid monthly out of the county treasury at the following annual rates:

	Per Annum
County chairman and executive officer	\$9,500
Members of board of supervisors (each)	2,400
County attorney	8,780
Auditor	8,280
Treasurer	7,680
Clerk	7,680."

[R. L. 1935, pt. of s. 2816; am. L. 1937, c. 101; am. L. 1941, c. 276; am. L. 1943, c. 64, s. 20; am. L. 1943, c. 118; R. L. 1945, s. 6411; am. L. 1947, c. 209, s. 2; am. L. 1951, c. 221, s. 2.]

Section 3. Section 6451 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended to read as follows:

"Sec. 6451. Salaries of certain officers, Maui. The salaries of the following officers of the county of Maui are hereby fixed and shall be paid monthly out of the county treasury at the following annual rates:

	Per Annum
Chairman and executive officer	
of the board of supervisors	\$9,500
Members of board of supervisors (each)	2,400
County attorney	8,780
Auditor	8,280
Treasurer	7,680
Clerk	7,680."

[R. L. 1935, pt. of s. 2816; am. L. 1937, c. 56; am. L. 1939, c. 60; am. L. 1939, c. 104; am. Sp. L. 1941, c. 95, s. 1; R. L. 1945, s. 6451; am. L. 1947, c. 209, s. 3; am. L. 1951, c. 221, s. 3.]

Section 4. Salaries of appointive heads of departments and salaries of deputies or assistants of any department, whose head is elected or appointed, shall be fixed by the board of supervisors of the respective city and county or county governments, where no other provision is made in the Revised Laws of Hawaii 1945, or any amendatory Acts thereto, for fixing such salaries.

Section 5. The base pay increases granted by the public salary and bonus laws of 1945 (Series A-4: Act 263, Session Laws of 1945) and of 1947 (Series A-4: Act 208, Session Laws of 1947), or by any other law enacted at the regular session of the twenty-sixth legislature, shall not be applicable or payable to any of the officers whose salaries are fixed by sections 1, 2 and 3 of this Act, but any general bonus for all public employees which may be granted under said laws or under any other similar law, shall be applicable and payable to said officers as a full time bonus.

Section 6. This Act shall take effect on July 1, 1951.

(Approved May 28, 1951.) H.B. 109, Act 221.

§ 6353.01. Regulation of motor vehicle common carriers. NEW, Sp. L. 1949, Act 54 [B-25].

- § 6358. Planning, traffic commission. AM. L. 1947, Act 77 [B-108].
§§ 6358.01-.02. Zoning, etc. NEW, L. 1947, Act 76 [B-109].
§ 6358.03. Codes. NEW, L. 1947, Act 193 [B-110].
§§ 6367-69. Purchasing agent. Am. L. 1947, Act 144 [B-111]; am (?)
L. 1949, Act 86 [B-185], Act 221 [B-186].
§ 6369.01. Inspection. NEW, L. 1947, Act 144 [B-111].
§§ 6370, 6371, 6373. Am. L. 1947, Act 144 [B-111].
§ 6375. Department created; powers, duties and functions. Am. L.
1949, Act 212 [B-183]; see L. 1949, Act 86 [B-185], Act 356 [B-187], Act
28 [E-317], Act 30 [E-318], Act 240 [F-366], Act 287 [F-368].
-

Series B-138: ACT 228

An Act Creating the Position of a Second Assistant Engineer for the County of Hawaii.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 6377 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 6377. First and second assistant engineers. A first assistant and a second assistant engineer shall be similarly appointed and with similar qualifications. They shall be under the direction of the chief engineer, receiving such salary as may be provided for by the board in compliance with the prevailing classification law. The first assistant engineer shall have supervision over all heads of bureaus, assistants, clerks, and other employees employed by the department. The first assistant engineer shall be the acting chief engineer during the temporary absence from the territory of, or during a vacancy in the office of, the chief engineer. The second assistant shall assist the first assistant engineer in all matters pertaining to the department." [L. 1943, c. 13, pt. of s. 1; R. L. 1945, s. 6377; am. L. 1951, c. 228, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 28, 1951.) H.B. 1004, Act 228.

Series B-139: ACT 229

An Act Relating to the Department of Public Works, County of Hawaii.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 6378** of the Revised Laws of Hawaii 1945 is hereby amended by amending the first sentence of the second paragraph of said section to read as follows:

"Each bureau shall have charge of and be responsible for the proper management of the matters specified in the corresponding subheads of section 6375. The chairman may, as the circumstances warrant and, with the approval of the board, appoint a head over each bureau."

Section 2. This Act shall take effect upon its approval.

(Approved May 28, 1951.) H.B. 1005, Act 229.

§ 6378. Bureaus created; functions, duties. Am. L. 1949, Act 212 [B-183]; Am. L. 1951, Act 229 [B-139].

§ 6378.01. Revenues, waterworks, etc. NEW, L. 1947, Act 40 [B-112]. See L. 1949, Act 86 [B-185].

§ 6380. Special fund, sewers. Am. L. 1947, Act 222 [B-113].

§ 6381. Rep. L. 1945, Act 93 [B-126].

HAWAII HOSPITALS.

Series B-140: ACT 29

An Act Combining the Puumaile and Hilo Memorial Hospitals; Creating the "Managing Committee, Puumaile and Hilo Memorial Hospital"; Conferring Powers and Imposing Duties Upon said Managing Committee, and Upon the County Attorney of the County of Hawaii; and Repealing Sections 6382, 6383, 6384 and 6385 of the Revised Laws of Hawaii 1945.

Be it Enacted by the Legislature of the Territory of Hawaii:

[Sec. 6381.01.] Section 1. **Establishment of the Puumaile and Hilo Memorial Hospital.** The Puumaile Hospital and the Hilo Memorial Hospital in the county of Hawaii are hereby combined into a single organization to be known as the "Puumaile and Hilo Memorial Hospital." [L. 1951, c. 29, s. 1.]

[Sec. 6381.02.] Section 2. **Managing committee, Puumaile and Hilo Memorial Hospital; establishment thereof.** There is hereby established a board to be known as the "Managing Committee, Puumaile and Hilo Memorial Hospital", located in the county of Hawaii, consisting of seven members. [L. 1951, c. 29, s. 2.]

[Sec. 6381.03.] Section 3. **Managing committee; appointment, terms, powers and duties.** The chairman and executive officer of the board of supervisors of the county of Hawaii, with the approval of the board of supervisors, shall appoint the board to be known as the "Managing Committee, Puumaile and Hilo Memorial Hospital", hereinafter referred to as the "managing committee"; said managing committee shall consist of seven members, who shall serve without pay, but who shall be reimbursed for any traveling expenses incurred in the performance of their duties; the members of the said managing committee shall hold office for a term of four years, **provided**, however, that on the first appointment of the managing committee three members shall be appointed for a term of two years, two for a term of three years, and the remaining two members for a term of four years; thereafter all appointments shall be for four years, and any vacancy shall be filled by appointment for the remainder of the unexpired term. The managing committee shall select its own chairman from the members thereof and may establish rules and regulations for the conduct of its business and of the business of the Puumaile and Hilo Memorial Hospital. The managing committee shall have the full management and control of said hospital, and any and all units or divisions thereof, the improvements thereto and the maintenance and equipment thereof.

The managing committee shall have the full control of the expenditures of all moneys collected or made available by law or otherwise for the improvement, maintenance, equipment and operation of the Puumaile and Hilo Memorial Hospital. All such moneys shall be retained in and paid out of a special fund established for the purposes herein enumerated, which fund shall be and remain apart from the general fund or any other funds of the county of Hawaii. The managing committee shall make regular reports, as required by the board of supervisors of the county of Hawaii, as to the conduct, management and condition of said hospital. The managing committee may employ, and subject to the provisions of chapters 2 and 3, shall fix and pay the salaries and wages of doctors, nurses and other employees as it may deem necessary for the conduct of said hospital. All moneys collected or acquired by or made available for the use of the managing committee, and placed in the special fund cre-

ated by this Act, shall be paid out on warrants drawn by the auditor of the county of Hawaii, upon claims and vouchers duly examined, approved and directed to be paid by the managing committee.

The county attorney of the county of Hawaii shall be and act as the legal adviser of the managing committee; the said county attorney's duties in this respect, shall include the handling of collections of delinquent accounts or other moneys found to be owing to the managing committee or to the said Puumaile and Hilo Memorial Hospital.

The managing committee shall appoint a superintendent of said hospital, to serve at the pleasure of the managing committee and who shall, subject to the direction and control of the managing committee, have the supervision and management of said hospital. [L. 1951, c. 29, s. 3.]

Section 4. Transfer of personnel. The superintendent of the Puumaile and Hilo Memorial Hospital is hereby authorized to transfer, according to their length of service, from Puumaile and Hilo Memorial Hospitals, to the Puumaile and Hilo Memorial Hospital, such employees whose employment is covered by chapters 2 and 3, Revised Laws of Hawaii 1945, as amended, as he may deem necessary, whose principal duties have been the performance of any function which has, or may at any time be, assigned to the Puumaile and Hilo Memorial Hospital in accordance with this Act. No such employee shall suffer any loss of salary, seniority, prior service credit, vacation, sick leave or other employee benefits or privileges by reason of such transfer, subject, however, thereafter to any changes in status made pursuant to chapter 2.

Any permanent employee whose principal duties have been the performance of any function which has been transferred to the Puumaile and Hilo Memorial Hospital, as the case may be, under this Act, shall, for each day following the termination of his services, receive termination pay, payable on a monthly basis in an amount according to one day's base pay for the position he held at the time of severance, **provided**, however, (1) that said termination pay shall not exceed a total amount equal to eighteen days' base pay, and, in addition, six days' base pay for each credited year of service with the Puumaile and Hilo Memorial Hospitals; (2) that such termination pay shall not accrue on or after any day on which such employee is reemployed by any territorial agency or in any public or private service; and, (3) that such termination pay shall not accrue following the date on which such employee refuses to accept an appointment to a position of equivalent classification in the civil service

of the territory or its political subdivisions. Any such employee shall have top priority in transfer or reemployment to any position in any other territorial or county agency for which he qualifies and he shall be first employed by such agency in the event of any such opening or vacancy in that agency.

Claims for such termination pay shall be made to and approved by the director of the territorial civil service commission upon such forms and with such supporting information as he may prescribe. Warrants in payment of such approved pay shall be drawn by the managing committee of the Puumaille and Hilo Memorial Hospitals and shall be paid out of the general revenues of the territory and there is hereby appropriated out of such general revenues sufficient moneys for this purpose.

Section 5. Repeal of other laws. Sections 6382, 6383, 6384 and 6385 of the Revised Laws of Hawaii 1945, are hereby repealed.

Section 6. This Act shall take effect on January 1, 1952.

(Approved May 4, 1951.) H.B. 169, Act 29.

§§ 6386-6401. Rep. L. 1947, Act 212 [B-106].

§ 6402-04. Hawaii Fire Dept. NEW, L. 1947, Act 174 [B-114].

Series B-141: ACT 144

An Act Relating to the Hawaii Fire Department and Amending Act 174 (Series B-114) of the Session Laws of Hawaii 1947.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 6402 of the Revised Laws of Hawaii 1945 as enacted by Act 174 (Series B-114) of the Session Laws of Hawaii 1947 is hereby amended to read as follows:

"Sec. 6402. (a) Organization. There is hereby organized and created for and within the county of Hawaii and under the general authority and control of the board of supervisors of the county of Hawaii, a department to be known as the 'Hawaii fire department', having its principal office in Hilo fire station. All public fire stations, and all apparatus, equipment, vehicles, materials and supplies used in fire fighting and prevention operations and administration in the

county of Hawaii shall be under the control of said department.

(b) **Chief engineer and first assistant engineer.** The chairman of the board of supervisors with the approval of the board of supervisors shall appoint a chief engineer and the first assistant engineer of the said department.

(c) **Qualifications, tenure.** The chief engineer and the first assistant engineer shall be residents of the county of Hawaii who have resided therein for at least one year immediately preceding the date of their respective appointments. Their respective terms of office shall be for two years and until their respective successors are appointed, beginning at noon on January 2nd of each odd year.

(d) **Powers and duties of chief engineer.** The chief engineer shall be vested with the management and control of the affairs, personnel and property of the department, subject to the general authority and control of the board of supervisors. He shall, with the consent and approval of the board of supervisors, make expenditures of moneys appropriated by the board for the department. He shall not contract any debt on behalf of the department, nor dispose of any property belonging to the same without the consent of the board. In case of fire, he shall have the sole and absolute control and command over all the members of the department, and shall have general authority and control over the region in the neighborhood of any fire within reasonable limits, to be determined by him as he shall deem fit. He shall assign the custody and control of the property of the department among the fire companies as he may deem proper. He shall, at least once in three months, examine into the condition of the property of the department, and shall, at least once each year, make a report thereof to the board, together with a statement of all expenditures included in such period. He shall at such times also report the number of fires which shall have occurred during the period, together with the localities where the same occurred; the names and owners or occupants of the premises damaged or destroyed; the cause or origin of the fires, if known; the amount of insurance, if any, and any other facts necessary to a complete understanding of each case; and such further information as may be required by the board. He shall cause the property of the department to be kept in good order and repair. He shall also have, within the county of Hawaii, the powers of a deputy to the fire marshal of the territory. Wherever by any law of the territory which is applicable

to the county of Hawaii, powers are conferred or duties are imposed upon a 'fire chief' or 'chief engineer' of a fire department, the same shall mean and include the chief engineer appointed under this section.

(e) **Powers and duties of first assistant engineer.** The first assistant engineer shall perform such duties as may be assigned to him by the chief engineer or by the board of supervisors, and shall be under the direction of the chief engineer. In case of the absence or disability of the chief engineer his duties shall be performed by the first assistant engineer.

(f) **Pay of chief engineer and first assistant engineer.** The chief engineer and the first assistant engineer shall be paid such monthly salary by the county of Hawaii as their respective offices may entitle them to under the provisions of section 114.

(g) **Employees, salaries, etc.** The chief engineer shall, subject to the provisions of chapters 2 and 3 appoint and dismiss and assign the duties of such captains, lieutenants, fire apparatus drivers, mechanics, firemen and other employees of the county in the department as may be authorized by the board of supervisors and for whom the board shall have first appropriated the necessary money, and all such appointees shall be paid such monthly salaries by the county of Hawaii as may be fixed in accordance with the provisions of chapter 3.

(h) **Attendance at fire drills and fires.** All persons employed by the county in the department shall, in addition to other duties, be required to attend fire drills and fires. The chief engineer may excuse any such employee from such required attendance whenever in his opinion the efficiency of the department will not be impaired thereby or for any of the following reasons, to-wit:

- (1) Illness or physical inability of the employee;
- (2) Inability of the chief engineer to notify the employee within a reasonable time;
- (3) Absence of the employee from the county of Hawaii; and
- (4) In the case of fire drills, if the employee is not on active duty at the time.

Unexcused failure or refusal on the part of any employee to attend any fire drill or fire shall be cause for suspension or dismissal of the employee." [L. 1947, c. 174, s. 1; am. L. 1951, c. 144, s. 1.]

Section 2. Section 6315 of the Revised Laws of Hawaii 1945 shall not apply to the county of Hawaii.

Section 3. This Act shall take effect on July 1, 1951.

(Approved May 23, 1951.) H.B. 124, Act 144.

§ 6405.01-.03. Board of water supply, county of Hawaii. NEW, L. 1949, Act 86 [B-185].

Series B-142: ACT 153

An Act Relating to the Board of Water Supply
of the County of Hawaii.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 6405.04 of the Revised Laws of Hawaii 1945, as enacted by Act 86 (Series B-185) of the Session Laws of Hawaii 1949 is hereby amended by deleting the second and third paragraphs of said section and substituting in lieu thereof the following:

"The manager shall be subject to the provisions of chapter 3.

The manager shall appoint such subordinates, assistants and employees as may be necessary for the proper conduct of the business of the board and such subordinates, assistants and employees shall be subject to the provisions of chapters 2 and 3."

Section 2. This Act shall take effect upon its approval.

(Approved May 23, 1951.) H.B. 1030, Act 153.

§ 6405.04. General management. NEW, L. 1949, Act 86 [B-185]; am. L. 1951, Act 153 [B-142], Act 171 [B-143], post.

§§ 6405.05-.08. Legal department, purchases and contracts, etc. NEW, L. 1949, Act 86 [B-185].

Series B-143: ACT 171

An Act Relating to the Board of Water Supply of the County of Hawaii, and Amending Act 86 (Series B-185) of the Session Laws of Hawaii 1949 and Section 6081 of the Revised Laws of Hawaii 1945.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Act 86 (Series B-185) of the Session Laws of Hawaii 1949, is hereby further amended in the following respects:

(1) By amending section 4 [Sec. 6405.04.] thereof by adding a new paragraph thereto at the end thereof to read as follows:

"The manager at such time as may be prescribed by the board, shall present to the board full annual reports of the principal transactions of the water supply system during the last completed year; which reports together with such recommendations as the board may think proper, shall be presented to the chairman and executive officer of the board of supervisors and the board of supervisors."

(2) By amending the second paragraph of section 9 [Sec. 6405.09.] to read as follows:

"All revenues or moneys derived from the waterworks or otherwise appropriated for the board, other than funds derived from the sale of bonds, and excepting moneys appropriated by Act 5 of the Special Session Laws of 1950 for the construction of a water system for the districts of North and South Kona, shall be paid into the treasury of the county and maintained by the treasurer in a waterworks fund. Such funds shall be expended for the following purposes: (a) for payment of interest and sinking fund on all bonds issued for the acquisition or construction of waterworks and extensions thereto; (b) for the payment of the operating and maintenance expenses of the waterworks, repairs, replacements, additions and extensions; (c) for accident reserve, pension charges, and compensation and insurance; (d) purchase or development of new sources of water; and (e) for a reserve fund."

(3) By adding thereto a new section to be appropriately numbered by the secretary of the territory and to read as follows:

"Sec. [6405.09-A]. **Audits.** The auditor of the county of Hawaii shall make an annual audit of the accounts and financial status of the board and shall file a copy of the audit report with the board of supervisors. The board may, whenever necessary in connection with the issuance of any bonds, employ a certified public accountant to make such audits." [L. 1951, c. 171, s. 1(3).]

Section 2. Section 6081 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by inserting in the third paragraph thereof before the words and punctuation "and the Maui county waterworks board," the following words and punctuation: "the board of water supply, county of Hawaii,".

Section 3. If any section, subsection, sentence, clause or phrase of this Act is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Act. The legislature hereby declares that it would have approved this Act and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 4. All provisions of law in conflict with this Act are superseded by the provisions hereof to the extent of such conflict.

Section 5. This Act shall take effect on July 1, 1951, except that section 2 hereof shall take effect upon the approval thereof by the Congress of the United States of America.

(Approved May 26, 1951.) H.B. 987, Act 171.

§ 6405.09. Accounts, revenues and expenditures. NEW, L. 1949, Act 86 [B-185].

§§ 6405.10-12. Reserve Fund, Bond sales, etc. NEW, L. 1949, Act 86 [B-185].

Series B-144: ACT 159

An Act Amending Section 13 of Act 86 of the Session Laws of Hawaii 1949, Relating to the Board of Water Supply of the County of Hawaii; Requiring Public Hearings and Publication of Notices for the Fixing and Adjusting of Rates and Charges.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 13 [Sec. 6405.13.] of Act 86 [Series B-185.] of the Session Laws of Hawaii 1949 is hereby amended by substituting for the period appearing at the end thereof a semicolon, and by adding thereto the following:

"provided, however, no rates and charges shall be fixed or adjusted prior to the holding by such board of a public hearing, notice of which shall have been published in a newspaper of general circulation (one publication) not less than four days before the date set for such hearing. Such notice shall state the time and place for such hear-

ing and the proposed rates and charges to be considered thereat. The time within which such notice shall be published shall be computed by including the first day (the day of publication) and excluding the last day."

Section 2. This Act shall take effect upon its approval.

(Approved May 23, 1951.) S.B. 533, Act 159.

§ 6405.13. Rates. NEW, L. 1949, Act 86 [B-185].

§§ 6405.14-.18. Acquisition of lands, agreements, etc. NEW, L. 1949, Act 86 [B-185].

§§ 6406.01-.06. Hawaii recreation commission. NEW, L. 1949, Act 221 [B-186].

§ 6407.01. Definitions. NEW, L. 1949, Act 356 [B-187]; am. Sp. L. 1949, Act 33 [B-27].

§§ 6407.02-.38. Hawaii improvements by assessments. NEW, L. 1949, Act 356 [B-187].

Chapter 125. PROVISIONS SPECIFIC FOR KAUAI.

§ 6411. Salaries, Kauai. AM. L. 1947, Act 209 [B-107]; AM. L. 1951, Act 221 [B-137].

§ 6412. Supervisors, etc. Am. L. 1945, Act 75 [B-128]

§ 6412.01. Enactment of standard codes by reference. NEW, Sp. L. 1949, Act 53 [B-28].

§ 6413. Dentist, appointment, qualifications. Am. L. 1949, Act 16 [B-188].

§ 6414. Appropriations. Am. L. 1949, Act 16 [B-188].

§ 6414.01. Rep. L. 1949, Act 16 [B-188].

KAUAI VETERANS MEMORIAL HOSPITAL.

Series B-146: ACT 73

An Act Providing for the Establishment of the
Kauai Veterans Memorial Hospital at Waimea, Kauai.

Be it Enacted by the Legislature of the Territory of Hawaii:

[Sec. 6414.02.] Section 1. [Kauai veterans memorial hospital.]
There shall be established at Waimea, Kauai, a hospital to be known as the Kauai Veterans Memorial Hospital. [L. 1951, c. 73, s. 1.]

[Sec. 6414.03.] Section 2. [Managing committee; appointment, powers, duties.] The chairman and executive officer of the board

of supervisors shall, with the approval of the board appoint a board to be known as the managing committee of the Kauai Veterans Memorial Hospital, consisting of not less than five nor more than seven members, who shall serve without pay, and who shall hold office for a term of four years; **provided**, however, that on the first appointment of the committee three members shall be appointed for a term of four years and the remaining members for two years; that thereafter all appointments shall be for four years, and that any vacancy shall be filled for the remainder of the unexpired term. The committee shall select its own chairman from the members thereof and may establish rules and regulations for the conduct of its business and of the business of the hospital. The committee shall have power to acquire land, construct buildings, and purchase supplies and equipment for the hospital. The committee shall have the full management and control of the hospital, the improvements thereto and the maintenance and equipment thereof, and the full control of the expenditure of all moneys made available by law or otherwise for the improvement, maintenance, operation and equipment of the hospital. The committee shall make regular reports, as required by the board of supervisors, of the conduct, management and condition of the Veterans Memorial Hospital.

The committee may employ and, except as otherwise provided by law, shall fix the pay, salaries and wages of doctors, nurses, and other employees as it may deem necessary for the conduct of the hospital.

All moneys appropriated or made available by law for the use of the committee for the hospital shall be placed in the special fund for the hospital established by this Act, and shall be expended under the direction of the committee.

The county attorney shall be and act as the legal adviser of the managing committee, and shall handle all legal matters concerning or affecting the hospital including the collections of delinquent accounts.

The auditor of the county of Kauai shall make an annual examination of the accounts and financial status of the committee. A copy of said audit report shall be filed with the board of supervisors. [L. 1951, c. 73, s. 2.]

[Sec. 6414.04.] Section 3. [Federal aid.] Any provision of this Act or any other territorial law to the contrary notwithstanding, it is expressly **provided** that, in the event that it is found possible to secure federal funds made available under any act of the Congress of the United States to be expended in connection with or for the construction of the project or works authorized by this Act, whether or not any provision in this Act specifically provides for

expenditure thereof in connection with federal funds, the proper territorial or county officers, or both, charged with the expenditure of appropriated funds made available by law for use by the committee for the purposes of this Act shall have power to enter into such undertakings with the proper officers or agencies of the federal government, agree to such conditions, transfer the funds appropriated or made available by law to such other officer, officers or agency of the territory or county (who are hereby given power to expend the same pursuant to this Act) for expenditure thereof, and do and perform such other acts and things as may be necessary or be required by such acts of said Congress or any regulations or requirements of the federal government, as a condition to securing such federal funds for such project or works. [L. 1951, c. 73, s. 3.]

Section 4. This Act shall take effect upon its approval.

(Approved May 17, 1951.) H.B. 167, Act 73.

§ 6416. Hospital fund. NEW, L. 1947, Act 51 [B-115]; § 6416, as it appeared in 1945, Rep. L. 1945, Act 93 [B-126].

Series B-147: ACT 271

An Act Relating to the Control of Subdivisions of Land Within the County of Kauai, Amending Sections 6233, as Amended, 12644, as Amended, and 12720, as Amended, of the Revised Laws of Hawaii 1945, and Amending Chapter 125, as Amended, of Said Revised Laws by Adding Thereto a New Subtitle and Eleven New Sections Numbered 6417.01 to 6417.11 Inclusive.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The grant of specific power contained in subsection 7 of section 6233, as amended, of the Revised Laws of Hawaii 1945 shall no longer extend to the board of supervisors of the county of Kauai.

Section 2. Chapter 125, as amended, of said Revised Laws is hereby further amended by the addition of a new subtitle and eleven sections numbered 6417.01 to 6417.11 inclusive, to read as follows:

“SUBDIVISION CONTROL IN THE COUNTY OF KAUAI.

Sec. 6417.01. Necessity for minimum subdivision requirements before registration. The board of supervisors of the

county of Kauai, hereafter referred to in this subtitle as the 'board of supervisors' or the 'board' shall have jurisdiction and control of the subdivision of land within that county, and no map of a subdivision of land within the county shall be received for recordation or filing in the office of the registrar of conveyances or the assistant registrar of the land court until such map shall have been approved by the board of supervisors of the county as meeting the minimum standard requirements fixed by the county engineer and such approval entered in writing on the map by authority of said board. [L. 1951, c. 271, pt. of s. 2.]

Sec. 6417.02. Subdivision defined. Whenever used in this subtitle, the word 'subdivision' shall mean improved or unimproved land or lands divided or proposed to be divided into two or more lots, parcels, sites, or other divisions of land for the purpose, whether immediate or future, of sale, lease, rental, transfer of title to or interest in, any or all of such parcels, and shall include resubdivision, and when appropriate to the context shall relate to the process of subdividing or the land or territory subdivided. [L. 1951, c. 271, pt. of s. 2.]

Sec. 6417.03. Minimum standards applying to the subdivision of land. The board of supervisors is hereby directed to enforce minimum standard requirements for the subdivision of land within that county as hereinafter provided for and the county engineer is hereby directed to determine minimum standard requirements for the subdivision of land within the county in order to coordinate streets within subdivisions with other existing or planned streets, to insure adequate and convenient placing of open spaces for traffic, utilities, access for fire-fighting apparatus, light and air, and for the avoidance of congestion of population, to insure a water supply and water mains adequate for consumption and wherever practical for combating the danger of fire, and to insure the supplying of adequate sewer mains and flood drains or other provision for the handling of sewage and drainage, all for the creating of conditions favorable to health, safety, morals, and general welfare as well as economy in the process of subdivision development and efficient expenditure of public lands. Such minimum standards when approved by the board by ordinance shall be obligatory.

In lieu of the completion of the improvements and utilities in such subdivision prior to final approval of the map for recordation, the board of supervisors may accept a bond

or bonds, with surety, or other security deemed sufficient by the county engineer. [L. 1951, c. 271, pt. of s. 2.]

Sec. 6417.04. Preliminary maps. A subdivider may submit a preliminary map, before submitting his definite or final map for approval, showing the subdivision in a general way, but not necessarily indicating monuments and other survey points in detail. The board of supervisors may give such preliminary map its tentative approval with or without modifications suggested by it or agreed upon by the applicant for its approval; **provided**, however, that such a tentative approval shall not be entered on the map or constitute approval of the map for recording. [L. 1951, c. 271, pt. of s. 2.]

Sec. 6417.05. Approval or disapproval of maps. Within one year after the approval of the preliminary map, or such extension of time as may be granted in writing by the board of supervisors, the subdivider shall cause the proposed subdivision to be accurately surveyed and a final map thereof to be prepared in accordance with the preliminary map and in conformity with all alterations and changes required thereto. Such final map shall be filed with the board of supervisors within said period and the said board shall approve or disapprove the final map within forty-five days after the receipt thereof; otherwise such map shall be deemed to have been approved and a certificate to that effect shall be issued by the said board; **provided**, however, that the applicant seeking approval may waive this requirement and consent to an extension of such period. The grounds of any disapproval of any map shall be stated in the minutes or other records of the board of supervisors and no map shall be disapproved by the board without affording a hearing thereon. Approval of a map or a part thereof shall not be deemed to constitute or effect acceptance by the county of any street or other open space shown upon such map. [L. 1951, c. 271, pt. of s. 2.]

Sec. 6417.06. Permits for installation of service utilities in unapproved subdivisions. No permit shall be issued to cut a curb, tap a water or sewer line, or to install any water, lighting or sewer facilities in any subdivision within the county opened or proposed to be opened after the effective date of this section unless such subdivision shall have been approved by the board of supervisors. [L. 1951, c. 271, pt. of s. 2.]

Sec. 6417.07. Improvements in unapproved streets. Prohibited acceptance of unapproved streets. The board of supervisors shall not take over, receive by dedication, or otherwise, or improve, grade or repair, or do any construction work upon streets or pavements, water lines, street lighting systems, sewer repairs, or in any way accept as public highways any streets, avenues or alleys in any subdivision within the county opened or proposed to be opened after the effective date of this section unless such street or way has been laid out, approved and improved in accordance with this subtitle and the minimum standards made pursuant to the authority conferred herein. [L. 1951, c. 271, pt. of s. 2.]

Sec. 6417.08. Building permits for erection of buildings on unaccepted streets. Injunctions, etc. No building shall be erected in any subdivision within the county opened or proposed to be opened after the effective date of this section, nor shall any permit be issued therefore, unless the street giving access to the lot upon which such building is proposed to be placed shall have been accepted or opened as, or shall have otherwise received the legal status of, a public street prior to that time, or unless such street corresponds in its location and lines with a street shown on a subdivision map approved, or street plan adopted by the board of supervisors, or with a street located or accepted by the board of supervisors after submission thereto, or unless such street has been determined by the county engineer to comply with the minimum standards applicable thereto. Any building erected in violation of this section shall be deemed an unlawful structure, and the county attorney may, in the name of the county, bring appropriate action to enjoin the maintenance of such building or to enjoin the construction of any building which, when erected, will be an unlawful structure. [L. 1951, c. 271, pt. of s. 2.]

Sec. 6417.09. Offer, contract, etc., or sale of subdivision or part before map approved and recorded. No owner or agent of the owner of any land located within a subdivision in the county opened or proposed to be opened after the effective date of this section shall agree to sell, or otherwise transfer such land or any portion thereof or any interest therein until a final survey map thereof in full compliance with the provisions of this subtitle and the minimum standards determined under the authority conferred herein, has been approved by the board of supervisors and recorded in the office of the registrar of conveyances, or of the

assistant registrar of the land court in the case of registered land, and the office of the territorial surveyor. [L. 1951, c. 271, pt. of s. 2.]

Sec. 6417.10. Conveyance not to be made by lot or block number, etc., until final map approved and recorded. It shall be unlawful for the owner or agent of the owner of any land located within a subdivision in the county opened or proposed to be opened after the effective date of this section to transfer or convey such land, or any part thereof, or any interest therein by lot or block number, initial or other designation, or by a metes and bounds description, or by reference to or exhibition of, or other use of a map or plan of a subdivision of such land unless and until a final survey map thereof has been approved by the board of supervisors and recorded in the office of the registrar of conveyances, or the assistant registrar of the land court in case of registered land, and the office of the territorial surveyor. [L. 1951, c. 271, pt. of s. 2.]

Sec. 6417.11. Violations, Penalties, remedies. Any person, firm or corporation which violates the provisions of the subtitle shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one thousand dollars or imprisonment for not more than one year, or by both such fine and imprisonment. In addition the county attorney may institute an action to prevent, restrain, correct or abate any violation of this subtitle and the court shall adjudge to the plaintiff such relief, by way of injunction (which shall be mandatory) or otherwise, as may be proper under all of the facts and circumstances of the case, in order fully to effectuate the purposes of this subtitle." [L. 1951, c. 271, pt. of s. 2.]

Section 3. **Section 12644** of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by substituting the words and figures "sections 6638-6639.01, inclusive, or sections 6417.01-6417.05, inclusive, where any of these sections apply," for the words and figures "sections 6638-6639.01 inclusive" in the last line thereof.

Section 4. **Section 12720** of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding a new paragraph after the third paragraph thereof to read as follows:

"If the land is situated in the county of Kauai, any plan for the subdivision thereof as defined in section 6417.02

shall, before approval by the surveyor, be subject to approval by the board of supervisors in like manner as subdivisions under sections 6417.01 to 6417.05."

Section 5. Severability. If any section, sentence, clause, or phrase of this Act or its application to any person or circumstance or property is held to be unconstitutional or invalid, the remaining portions of this Act or the application of this Act to other persons or circumstances or property shall not be affected. The legislature hereby declares that it would have passed this Act, and each and every section, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 6. This Act shall take effect July 1, 1951.

(Approved June 7, 1951.) H.B. 798, Act 271.

Series B-148: ACT 152

An Act Establishing the Kauai County Waterworks Board and Defining Its Powers and Duties, Amending Chapter 125 and Section 6081 of the Revised Laws of Hawaii 1945, as Amended, and Providing for the Financing Thereof.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. That portion of chapter 125 of the Revised Laws of Hawaii 1945 entitled "Kauai Waterworks Bureau" consisting of sections 6421-6428.01, inclusive, is hereby amended to read as follows:

"Kauai County Waterworks Board.

Sec. 6421. Definitions. As used in the following sections of this chapter relating to the water supply system of Kauai:

'Appointive member' shall mean a member other than an ex officio member.

'Board' shall mean the Kauai county waterworks board.

'Board of supervisors' shall mean the board of supervisors of the county of Kauai. [L. 1931, c. 89, s. 1; R. L. 1935, s. 2896; R. L. 1945, s. 6421; am. L. 1951, c. 152, pt. of s. 1.]

Sec. 6421.01. Kauai county waterworks board. There is created a board which shall be known as the 'Kauai County Waterworks Board'. The board shall consist of five members, who shall be appointed and may be removed by the governor in the manner provided by section 80 of the Organic Act. Upon the expiration of the terms of the first appointive members, the appointive members of the board shall be appointed and may be removed by the chairman and executive officer of the board of supervisors with the approval of the board of supervisors.

The members of the board shall select one of their members as the chairman of the board.

The members of the board shall serve without pay, but may be reimbursed for necessary expenses of attending its meetings and such reasonable traveling and other expenses as may be incurred in the discharge of their official duties. [L. 1951, c. 152, pt. of s. 1.]

Sec. 6422. Term of office. The term of office of the appointive members of the board shall be five years; **provided** that, of the members first to be appointed under this Act, one shall be appointed for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years, commencing July 1, 1951.

No appointive member of the board shall be an officer or employee of the territory or of the county of Kauai.

Any vacancy in the appointive membership of the board otherwise than by expiration of a term of office, shall be filled by appointment for the remainder of the unexpired term. Each appointive member must be, at the time of his appointment, an elector of the county of Kauai and must have been such for at least five years next preceding his appointment. [L. 1931, c. 89, s. 2; R.L. 1935, s. 2897; R.L. 1945, s. 6422; am. L. 1951, c. 152, pt. of s. 1.]

Sec. 6422.01. Powers of the board, organization and meetings; rules and regulations. The board shall hold regular public meetings at a designated time and place. A majority of the board shall constitute a quorum for the transaction of business; **provided**, that the affirmative vote of at least three members of the board shall be necessary to validate any action of the board. The board may adopt such rules and regulations as it may consider necessary for the conduct of its business.

The board shall also have the power to make, alter, amend and repeal such rules and regulations not inconsistent with law, as it may deem necessary for the furtherance of

any of the purposes of this Act or the appropriate exercise of any matters herein committed to its charge. All such rules and regulations when promulgated as provided by section 466 shall have the force and effect of law.

The board shall also determine the standard for construction or the making of extensions, increases, betterments or improvements to become a part of the water system operated by the board. Under this section and its rules and regulations, the board shall specify the character, type, size and quality of such improvements, and the requirements for water facilities to and within any subdivisions of land, including but not limited to, requirements for service laterals, fire hydrants, pumps, storage facilities and their appurtenances, and prescribe the conditions under which the same shall be constructed and installed. [L. 1951, c. 152, pt. of s. 1.]

Sec. 6423. Rates. The board shall have power to fix rates for water and standby service so that revenue derived therefrom, together with such funds as may be appropriated by the county or by the territory to the board, and from any other funds available to the board, shall be sufficient to make the system self-supporting and to meet all expenditures thereof. The board shall have power to provide for the enforcement of the payment of such rates, including interest or discontinuance of service if delinquent. All water furnished to the county of Kauai or any department thereof, or to the territory or any department thereof, shall be charged to the respective departments and collected at the regular rates established by the board. The board shall also establish rates for water or standby service furnished or to be furnished to the county for fire protection. [L. 1931, c. 89, s. 3; R. L. 1935, s. 2898; am. L. 1935, c. 62, s. 1; am. L. 1941, c. 9, s. 2; R. L. 1945, s. 2423; am. L. 1951, c. 152, pt. of s. 1.]

Sec. 6423.01. Board office and facilities. The county of Kauai shall furnish such offices for the transaction of the business by the board and such other facilities such as garages, shops, storehouses and warehouses as the board may request. Any expenses in connection with such services which are not assumed by the board shall be borne by the county of Kauai. [L. 1951, c. 152, pt. of s. 1.]

Sec. 6424. Powers of the board. 1. The board shall manage, control and operate the water systems and properties of the county of Kauai for the supplying of water to the public within the county of Kauai; and shall collect, receive, expend and account for all sums of money derived from the

operation thereof, and all other moneys provided for the use or benefit of such water systems and all properties held or used for or in connection with such waterworks systems and all equipment, supplies and other materials incidental to the operation and administration of such water systems.

2. All other powers and functions provided to be exercised and performed by the board of supervisors in connection with such waterworks systems shall devolve upon and be exercised and performed by the board except as herein otherwise provided. [L. 1931, c. 89, s. 4; R. L. 1935, s. 2899; R. L. 1945, s. 6424; am. L. 1951, c. 152, pt. of s. 1.]

Sec. 6424.01. General management. 1. The board shall appoint a registered engineer who shall have such qualifications as the board may deem necessary, and shall have full power to administer the affairs of the waterworks system, subject to the direction and approval of the board. He shall be known as the manager and chief engineer of the Kauai county waterworks board, and shall receive such salary as the board may provide, and shall hold office at the pleasure of the board.

2. The manager and chief engineer shall, subject to the approval of the board, have power to appoint, suspend and discharge such other employees, subordinates and assistants as may be necessary for the proper conduct of the business of the board. All such appointments, suspensions or removals shall be made in conformity with the applicable requirements of the civil service laws effective in the county, and the compensation of such employees shall be fixed in accordance with the provisions of the classification law in effect and applicable to the county of Kauai. The civil service and classification laws of the county shall not be applicable to the manager and chief engineer.

The manager and chief engineer at such time as may be prescribed by the board, shall present to the board full annual reports of the principal transactions of the water supply system during the last completed year; which reports together with such recommendations as the board may think proper, shall be presented to the chairman and executive officer of the board of supervisors and the board of supervisors.

3. All employees who were regularly employed in any waterworks system of the county of Kauai on the 30th day of June, 1951, shall be continued as employees of the board, subject to dismissal only in accordance with the provisions of the laws of the territory applicable to the dismissal of public employees.

4. The board may require a bond in such amount as it shall deem proper from any employee. [L. 1951, c. 152, pt. of s. 1.]

Sec. 6425. Legal adviser. The county attorney shall be the legal adviser of the board and shall prosecute and defend, as the board may require, any and all actions and proceedings involving matters under its jurisdiction. He shall have authority, with the prior approval of the board, to compromise, settle or dismiss any litigation or proceedings which may be pending for, or on behalf of or against said board relative to any matter or property under its jurisdiction. [L. 1931, c. 89, s. 5; R. L. 1935, s. 2900; R. L. 1945, s. 6425; am. L. 1951, c. 152, pt. of s. 1.]

Sec. 6425.01. Audits. The auditor of the county of Kauai shall make an annual audit of the accounts and financial status of the board and shall file a copy of the audit report with the board of supervisors. The board may, whenever, necessary in connection with the issuance of any bonds, employ a certified public accountant to make such audits. [L. 1951, c. 152, pt. of s. 1.]

Sec. 6426. Purchase and contracts. 1. The board shall have power to contract for work and to purchase supplies, materials or equipment when the cost of the same can be met from any funds under the board's control or from revenue or reserves of the waterworks or from the proceeds of bonds authorized for such waterworks. All contracts shall be executed in the name of the board and shall be signed by its chairman.

2. The board shall further have power to enter into contracts for the purchase of water, and to develop and acquire property for the purpose of developing water resources.

3. The board shall locate and determine the character and type of all construction and additions, extensions and improvements to the waterworks and shall determine the policy for making the same. [L. 1931, c. 89, s. 6; R. L. 1935, s. 2901; R. L. 1945, s. 6426; am. L. 1951, c. 152, pt. of s. 1.]

Sec. 6426.01. Reserve fund. The board may provide for the accumulation of a fund for the purpose of financing major replacements, or extensions and additions, the average estimated annual increment to which, for a period of ten years, shall not exceed fifteen per centum of the gross revenue of the board in any fiscal year. [L. 1951, c. 152, pt. of s. 1.]

Sec. 6427. Bond sales. The treasurer of the county of Kauai shall, when so directed by the board, sell such bonds as may be authorized for the acquisition and development, betterment, construction, replacement, extension or completion of the waterworks; **provided**, that such sale shall otherwise be conducted in accordance with the procedure specified by the law for the sale of such bonds. The proceeds from such sales shall be kept by the treasurer in a separate fund to be used only for the purposes for which such bonds were sold. [L. 1931, c. 89, s. 7; R.L. 1935, s. 2902; R.L. 1945, s. 6427; am. L. 1951, c. 152, pt. of s. 1.]

Sec. 6427.01. Operating expenses, reserves, subsidization by county. All revenues or moneys derived from the waterworks or otherwise appropriated for the board, other than funds derived from the sale of bonds, shall be paid into the treasury of the county and maintained by the treasurer in a waterworks fund. Such fund shall be expended for the following purposes: (a) for payment of interest and sinking fund on bonds issued for the acquisition or construction of waterworks and extensions thereto; (b) for the payment of the operating and maintenance expenses of the waterworks, repairs, replacements, additions and extensions; (c) for accident reserve, pension charges, and compensation insurance; (d) purchase or development of new sources of water; (e) for a reserve fund as provided above. [L. 1951, c. 152, pt. of s. 1.]

Sec. 6427.02. Disbursement of funds. All moneys expended by the board pursuant to the provisions of this Act shall be disbursed by the treasurer only upon warrants issued by the auditor on vouchers signed by the chairman or acting chairman of the board, or by such subordinate as may be designated by the board. [L. 1951, c. 152, pt. of s. 1.]

Sec. 6427.03. Agreements for joint use of utilities. The board shall have full power and authority to enter into such arrangements and agreements as it shall deem proper for the joint use with any other person owning the same, or having jurisdiction of the same, or poles, conduits, towers, stations, aqueducts and reservoirs for the operation of any of the properties under its jurisdiction. [L. 1951, c. 152, pt. of s. 1.]

Sec. 6428. Acquisition of property; eminent domain. The board may acquire and take in, in the name of the county, by grant, purchase, lease, proceedings in eminent domain or otherwise, rights of any nature in water, water and water

sources, either above or underground, property of all kinds and rights therein for watersheds, for the development, conservation or protection of water or water resources, property of all kinds and rights therein necessary either at the time of taking or for the future proper development or control thereof, for the proper conservation, development and control of water, lands or easements for reservoirs, aqueducts, tunnels, flumes, ditches or pipelines, and without limitation by reason of the foregoing, all property or rights therein necessary for the construction, maintenance, extension or operation of the water systems under its jurisdiction and control. The foregoing purposes for which property or rights therein may be acquired and taken are hereby declared to be public uses.

The board shall exercise the power of eminent domain in the manner and as provided by sections 301 to 319, both inclusive, of the Revised Laws of Hawaii 1945, as amended, and otherwise in accordance with all applicable provisions of the laws of the territory, and the words 'board of supervisors' and 'county' as used in said sections shall include and mean Kauai county waterworks board; **provided**, however, that any judgment entered in any proceeding instituted by the board hereunder shall be payable out of funds of and available to the board and not out of funds of the county. [L. 1931, c. 89, s. 8; am. L. 1932, 1st, c. 8, s. 1; am. L. 1932, 2d, c. 65, s. 1; R. L. 1935, s. 2903; R. L. 1945, s. 2428; am. L. 1951, c. 152, pt. of s. 1.]

Sec. 6428.01. Suits by and against board; service or process. The board created hereby shall have power to enforce all claims on its behalf and to sue and be sued under the name of Kauai county waterworks board. Service of process in all matters affecting the board may be made by service upon the chairman of the board or its manager; **provided**, however, that any action commenced or prosecuted for the recovery of damages for any injury to any person or property by reason of the negligence of the board or of any of its agents, servants or employees, shall be commenced and prosecuted against the board. And no action shall be maintained for the recovery of any such damage, unless a written statement verified by the oath of the claimant, setting forth the nature and items of the claim, and the time and place where the alleged injury may have occurred, or where the damage was sustained, shall have been filed with the board within six months after the date of the sustaining of the injury or damage; otherwise there will be no re-

covery on the claim." [L. 1947, c. 37, s. 1; am. L. 1951, c. 152, pt. of s. 1.]

Section 2. Section 6081 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by inserting in the third paragraph thereof after the words and punctuation "the board of water supply of the city and county of Honolulu," the following words and punctuation: "the Kauai county waterworks board,".

Section 3. All provisions of law in conflict with this Act are superseded by the provisions hereof to the extent of such conflict.

Section 4. If any section, subsection, sentence, clause or phrase of this Act is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Act. The legislature hereby declares that it would have approved this Act and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 5. The board of supervisors of the county of Kauai shall appropriate the sum of \$20,000.00 each year for the next two years, for the purpose of defraying the expenses of the Kauai county waterworks board.

Section 6. This Act shall take effect on July 1, 1951, except that section 2 hereof shall take effect upon the approval thereof by the Congress of the United States of America.

(Approved May 23, 1951.) H.B. 986, Act 152.

§ 6428.01. NEW, L. 1947, Act 37 [B-116].

Old §§ 6430-6445. Rep. L. 1947, Act 212 [B-106], however, see following Act.

Series B-149: ACT 51

An Act Relating to the Prevention and control of Fire Hazards and Fires in the County of Kauai; Creating the Kauai Fire Department; Defining Offenses and Providing Penalties.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 125 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto a new subtitle to be numbered and to read as follows:

"KAUAI FIRE DEPARTMENT.

Sec. 6430. Organization. There is hereby organized and created for and within the county of Kauai and under the general authority and control of the board of supervisors of the county of Kauai, a department to be known as the 'Kauai fire department', having its principal office in Lihue. All public fire stations, and all apparatus, equipment, vehicles, materials and supplies used in fire fighting and prevention operations and administration in the county of Kauai shall be under the control of said department. [L. 1951, c. 51, pt. of s. 1.]

Sec. 6431. Chief engineer and assistant engineers. The chairman of the board of supervisors with the approval of the board of supervisors shall appoint a chief engineer and one or more assistant engineers of the said department. [L. 1951, c. 51, pt. of s. 1.]

Sec. 6432. Qualifications, tenure. The chief engineer and all assistant engineers shall be residents of the county of Kauai who have resided therein for at least one year immediately preceding the date of their respective appointments and shall be possessed of all the qualifications required by law for electors of representatives to the legislature. Their respective terms of office shall be for two years and until their respective successors are appointed, beginning at noon on January 2nd of each odd year; **provided**, that the terms of office of the chief engineer and assistant engineers first appointed under this subtitle shall begin with such appointment and end at noon on January 2, 1953. [L. 1951, c. 51, pt. of s. 1.]

Sec. 6433. Powers and duties of chief engineer. The chief engineer shall be vested with the management and control of the affairs, personnel and property of the department, subject to the general authority and control of the board of supervisors. He shall, with the consent and approval of the board of supervisors, make expenditures of moneys appropriated by the board for the department. He shall not contract any debt on behalf of the department, nor dispose of any property belonging to the same without the consent of the board. In case of fire, he shall have the sole and absolute control and command over all the members of the department, and shall have general authority and control over the region in the neighborhood of any fire within reasonable limits, to be determined by him as he shall deem fit. He shall assign the custody and control of the property of the

department among the fire companies as he may deem proper. He shall, at least once in three months, examine into the condition of the property of the department, and shall, at least once each year, make a report thereof to the board, together with a statement of all expenditures included in such period. He shall at such times, also report the number of fires which shall have occurred during the period, together with the localities where the same occurred; the names and owners or occupants of the premises damaged or destroyed; the cause or origin of the fires, if known; the amount of insurance, if any, and any other facts necessary to a complete understanding of each case; and such further information as may be required by the board. He shall cause the property of the department to be kept in good order and repair. He shall also have, within the county of Kauai, the powers of a deputy to the fire marshal of the territory. Wherever by any law of the territory which is applicable to the county of Kauai, powers are conferred or duties are imposed upon a 'fire chief' or 'chief engineer' of a fire department, the same shall mean and include the chief engineer appointed under section 6431. [L. 1951, c. 51, pt. of s. 1.]

Sec. 6434. Powers and duties of assistant engineers. Assistant engineers shall perform such duties as may be assigned to them by the chief engineer or by the board of supervisors, and shall be under the direction of the chief engineer. In case of the absence or disability of the chief engineer his duties shall be performed by the assistant engineers in succession in the order of their ratings, or seniority if of the same rating, or as designated by the board of supervisors if of the same rating and seniority. [L. 1951, c. 51, pt. of s. 1.]

Sec. 6435. Pay of the chief engineer and assistant engineers. The chief engineer and assistant engineers shall be paid such monthly salary by the county of Kauai as their respective offices may entitle them to under the provisions of section 114. [L. 1951, c. 51, pt. of s. 1.]

Sec. 6436. Employees, salaries, etc. The chief engineer shall, subject to the provisions of chapters 2 and 3, appoint and dismiss and assign the duties of such captains, lieutenants, fire apparatus drivers, mechanics, firemen and other employees of the county in the department as may be authorized by the board of supervisors and for whom the board shall have first appropriated the necessary money, and all such appointees shall be paid such monthly salaries by the county of Kauai as may be fixed in accordance with the

provisions of chapter 3; **provided**, however, that all employees of the county in the service of any fire department in the county of Kauai organized under the provisions of chapter 123 on the effective date of this Act shall be retained in their respective positions subject to the needs of the service and to classification and reclassification under the provisions of chapter 3, and subject to dismissal only in accordance with the provisions of chapter 2. [L. 1951, c. 51, pt. of s. 1.]

Sec. 6437. Attendance at fire drills and fires. All persons employed by the county in the department shall, in addition to other duties, be required to attend fire drills and fires. The chief engineer may excuse any such employee from such required attendance whenever in his opinion the efficiency of the department will not be impaired thereby or for any of the following reasons, to-wit:

- (1) Illness or physical inability of the employee;
- (2) Inability of the chief engineer to notify the employee within a reasonable time;
- (3) Absence of the employee from the county of Kauai; and
- (4) In the case of fire drills, if the employee is not on active duty at the time. Unexcused failure or refusal on the part of any employee to attend any fire drill or fire shall be cause for suspension or dismissal of the employee. [L. 1951, c. 51, pt. of s. 1.]

Sec. 6438. Fires; interference at; et cetera. Upon the occasion of any fire, any person breaking through the limits set by the chief engineer without his permission or consent, and any person interfering with the movements or working of any fire engine or fire machinery, or maliciously or carelessly running over any line of hose in use at a fire, or in any manner intentionally injuring any portion of any fire apparatus, or in any manner interfering with the activities of the chief engineer or any member or employee of the department or any other authorized person in extinguishing or controlling a fire, shall be deemed guilty of a misdemeanor. [L. 1951, c. 51, pt. of s. 1.]

Sec. 6439. Removing persons from vicinity. The chief engineer or any police officer may remove and keep away or cause to be removed and kept away from the vicinity of any fire, within such limits as may be determined by the chief engineer or police officer, and by force if necessary, any idle person or any person found under suspicious circum-

stances or any person not actually employed in aiding in the extinguishing or controlling of the fire, or in the preservation of property in the vicinity thereof, and any such person failing or refusing to remove himself from the vicinity of the fire when so ordered by the chief engineer or police officer shall be deemed guilty of a misdemeanor. [L. 1951, c. 51, pt. of s. 1.]

Sec. 6440. Access to adjacent premises. The chief engineer and any person acting under his orders shall, for the purpose of saving property threatened by fire or of controlling or extinguishing a fire, have the right to enter in and upon any premises in the immediate neighborhood of such fire, and any person interfering with such right of access may be forcibly removed and shall be deemed guilty of a misdemeanor. [L. 1951, c. 51, pt. of s. 1.]

Sec. 6441. Right of way. The engines, automobiles, and other apparatus of the department shall, when traveling to any fire or in response to any alarm of fire, have the right of way over all other vehicles through all streets, alleys, lanes, byways, and highways in the county, and any person violating such right of way shall be deemed guilty of a misdemeanor. [L. 1951, c. 51, pt. of s. 1.]

Sec. 6442. Notice of explosives. Any person having knowledge of the fact that any oil or explosive material is stored in the vicinity of any fire in such a location as to be in danger of the fire and where the same is not apparent and obvious shall immediately notify the chief engineer of such fact, and any person wilfully or maliciously failing or refusing to divulge such fact shall be deemed guilty of a misdemeanor. [L. 1951, c. 51, pt. of s. 1.]

Sec. 6443. Destruction of buildings. The chief engineer may direct any house or building to be pulled down, blown up, or otherwise demolished, when he deems the same to be necessary in order to prevent the spreading of fire and any person attempting to prevent him from carrying out any such order shall be deemed guilty of a misdemeanor. [L. 1951, c. 51, pt. of s. 1.]

Sec. 6444. Assistance from bystanders. The chief engineer may, during the continuance of a fire, require assistance from any person present in extinguishing the same, and in removing furniture, goods, merchandise and other property from a building on fire or in danger thereof, and in guarding the same after removal, and in demolishing any house

or building. All persons present at a fire shall obey the orders of the chief engineer, and any person failing or refusing to obey any such order shall be deemed guilty of a misdemeanor. [L. 1951, c. 51, pt. of s. 1.]

Sec. 6445. Penalty. Any person convicted of a violation of any of the offenses set forth in sections 6438 to 6444, inclusive, shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than one year, or both. [L. 1951, c. 51, pt. of s. 1.]

Sec. 6446. Powers of the board of supervisors. The board of supervisors of the county of Kauai is hereby authorized and empowered to provide by ordinance for the further control or prevention of fire hazards and fires, not inconsistent with the provisions of this sub-title, and in said ordinances may provide penalties for violations of the provisions thereof." [L. 1951, c. 51, pt. of s. 1.]

Section 2. The enumeration of powers, duties, offenses and penalties in this Act shall not be construed as amending or repealing any other law of the territory pertaining to the control and prevention of fire hazards and of fires and applicable to the county of Kauai, except that chapter 123 of the Revised Laws of Hawaii 1945 shall not be applicable to the county of Kauai.

Section 3. Section 121 of the Revised Laws of Hawaii 1945 as amended, is hereby further amended by deleting line 15 thereof reading "(7) positions of members of the fire department;" and renumbering the subsequent numbered lines accordingly.

Section 4. If any section, sentence, clause or phrase of this Act, or its application to any person or circumstances, is for any reason held to be unconstitutional or invalid, the remaining portions of this Act, or the application of this Act to other persons or circumstances, shall not be affected.

Section 5. This Act shall take effect on July 1, 1951.

(Approved May 10, 1951.) H.B. 72, Act 51.

KAUAI COUNTY. IMPROVEMENTS BY ASSESSMENT.

Series B-150: ACT 290

An Act to Provide for the Acquisition, Construction, Establishment and Improvement of Certain Highway Improvements, and Drainage, Sanitary Sewerage, Light and Water Systems, and Other Public Improvements, by Special Assessment, in the County of Kauai and to Provide for Financing the Same by the Issuance of Improvement District Bonds and Other Means.

Be it Enacted by the Legislature of the Territory of Hawaii:

[Sec. 6448.01.] Section 1. **Definitions.** Whenever used in this Act:

a. "Board" means the board of supervisors of the county of Kauai.

b. "County" means the county of Kauai.

c. The terms or expressions "special improvement", "improvement", the "making of a special improvement", "make any special improvement", or "construct any special improvement", and equivalent expressions, mean and include any one or more or any combination of any of the following:

(1) the establishment, opening, extension, widening or altering of any street, alley or other highway, including sidewalks;

(2) the grading, paving, curbing, macadamizing or otherwise improving of the whole or any part of any existing public street, alley or other highway or sidewalk;

(3) the construction of a storm drainage system;

(4) the construction of any sanitary sewerage system;

(5) the construction of a street lighting system;

(6) the construction of a water system;

(7) to otherwise improve any of the foregoing to an extent exceeding maintenance or repair thereof. [L. 1951, c. 290, s. 1.]

[Sec. 6448.02.] Section 2. **Method.** Whenever in the opinion of the board it is desirable to make any special improvement as hereinabove defined, on the island of Kauai, under the provisions of this Act, the board may so determine by ordinance; and the cost thereof, including the cost (if not assumed by the county in the manner provided by section 5) of acquiring, whether prior to or after the commencement of the proceedings for such improvements any new land therefor shall be assessed against the land specially benefited, either on a frontage basis or according to area of the land within an improvement district or on both an area and frontage basis; and the county may issue

and sell bonds to provide the funds for such improvements, which bonds shall be secured by such assessments as a lien upon the lands assessed; and for such purpose the board is vested with power and is authorized to create, define and establish frontage improvements or improvement districts; all according to the provisions of this Act.

Nothing in this Act shall prevent the county, through its proper officials, from compelling abutting property owners at their own expense to construct, maintain and repair sidewalks and curbs in front of the abutting property under any other statute or ordinance, now existing or hereafter to be enacted. And furthermore, nothing in this Act shall prevent the county, through its proper officials, or the Kauai waterworks bureau, from constructing, improving, maintaining and repairing any storm-drainage system, street lighting system or water system, as the case may be, as empowered by any other statute or ordinance, now existing or hereafter to be enacted [L. 1951, c. 290, s. 2.]

[Sec. 6448.03.] Section 3. **Sewers; limitations.** For the construction of sanitary sewerage systems the land specially benefited by such improvement shall be assessed according to the area of the lands within an improvement district at the rate of four cents per square foot, and the balance of the costs shall be borne by the county, except that, where the construction of any such system is limited under section 9 or 10, the total cost thereof shall be assessed against the lands specially benefited. [L. 1951, c. 290, s. 3.]

[Sec. 6448.04.] Section 4. **Public land or land exempt from taxation, etc.; cost otherwise assessable against borne by county.** Whenever any public land, or any land by law exempted from assessments of the character provided for in this Act, forms part of any improvement district or fronts upon or is situated with relation to any special improvement or area to be so improved in such manner that such land would, if privately owned or not exempt from such assessment, be subject to assessment, the board shall, nevertheless, without assessing such public or exempted land for any part of the cost of such improvements by general ordinance appropriate and pay toward such improvements out of general revenues the portion of the cost thereof which, would otherwise be assessable against the same, in a lump sum, or, at the election of the board, in such equal installments and with such interest thereon as the board shall determine; and with respect to any proposed improvement where any part of the cost is thus to be borne by the county, the board shall have the same right of approval or protest as though

the county were the private owner of the public or exempted land so involved. And, as to such expenditure for public and exempt lands, the county shall be entitled to be reimbursed out of territorial revenues by appropriations to be made from time to time by the legislature to the extent of fifty per centum of all assessments regularly apportioned against persons, corporations or entities, which are a part of any improvement district or frontage improvement and are exempted by law from the payment of such assessments; and the county shall be entitled to be likewise reimbursed for the full amount of assessments regularly apportioned against public lands which are a part of any improvement district or frontage improvement, which public lands are owned in fee simple by the United States, or by the territory, and which are not parks, or for other county purposes or for street areas or frontages; **provided**, however, that in case any land exempted by law from assessments as herein provided, other than public land, or any part thereof, is sold or leased after the establishment of a frontage improvement or an improvement district, the grantee, in the one case and the lessor in the other, shall assume the payment of assessments from the date of such sale or lease in the same manner as if the property had not been exempted from assessments and as if assessments apportionable against the property had been paid in installments to such date of sale or lease; and that all payments received from such grantee or lessor, as the case may be, shall be paid into the permanent improvement fund. Nothing in this section shall be taken to prejudice any rights of the territory to reimbursement from the United States for assessments herein assumed by the territory, but the latter shall be subrogated to the rights of the county on such assessments so assumed. [L. 1951, c. 290, s. 4.]

[**Sec. 6448.05.**] Section 5. **Certain costs to be borne by the county.** The county shall pay out of any funds available for such purposes the entire cost of engineering, incidentals and inspection, and in the case of frontage improvement the cost assessable against the frontage or frontages of any adjoining or cross street or in the case of area improvement districts, the cost of improving the area common to both streets at the intersection of any cross street or one-half of the area opposite the intersection of any adjoining street, and thirty-three and one-third per centum of the total cost of general improvements (excluding engineering, incidentals and inspection and cost of new curbing and sidewalks) upon or along all main or general thoroughfares, as hereinafter defined, and upon or along all other streets or highways, except where improvements are initiated under sections 9 and 10. A main or general thoroughfare within the

meaning hereof shall be any street or highway as is subjected to more than ordinary traffic and travel by the general public, or which serves as a generally necessary connecting thoroughfare or section within the urban districts, or which serves as a generally necessary connecting thoroughfare between districts of the island of Kauai. And it shall be lawful, however, for the county to assume and pay out of such available funds all or any part of the costs of payment of a main or general thoroughfare in any improvement and acquiring any new land required for any improvement where any such improvement is initiated by the board of supervisors of the county.

The board whenever in its judgment the interest of the county will be best served and to protect the county from claims for damages from surface waters, may provide for the collection and disposition of storm waters by proceeding independently of any other improvement proceedings, and, in either event, pay the whole or any part of the cost thereof out of available funds, or may assess the whole or any part of the cost thereof according to the benefits arising therefrom and in the manner provided for apportioning assessments for special improvements. And it shall be lawful for the county to assume and pay out of such available funds all or any part of the cost of acquiring any new land required for any improvement under the provisions of this Act. [L. 1951, c. 290, s. 5.]

[Sec. 6448.06.] Section 6. **Water systems; costs which Kauai waterworks bureau may assume.** If the improvement is within the county and include the construction or improvement of a water system as aforesaid the Kauai waterworks bureau may, but such requirement is not mandatory, assume and pay out of its funds available for such purpose the cost of engineering, incidentals and inspection, and thirty-three and one-third per centum of the total cost of the construction or improvement of such water system. [L. 1951, c. 290, s. 6.]

[Sec. 6448.07.] Section 7. **Initial procedure.** The board shall by resolution requiring not more than one reading for its adoption, direct the county engineer to investigate and report to the board preliminary data concerning the special improvement proposed to be opened, constructed or improved, the general character and extent of any improvement to be proposed, whether such improvement should be proposed on a frontage or an areas basis, whether any new land will be necessary to be acquired, and the estimated cost thereof and the proportion of the cost which should be borne by the county, the materials recommended to meet the conditions of the improvement, the boundaries of the improvement to be proposed and any subdistricts

or zones therein as to which different portions of the cost should be charged, the estimated cost of the improvements, the portions of the cost to be borne by the county, and the portions of the cost to be specifically assessed against the lands specially benefited with the maximum unit of assessment to be made against the property to be assessed according to the method of assessment to be proposed, and to prepare and furnish all necessary preliminary surveys, maps, plans, drawings and other data, details and specifications for the improvements and any other matters or details intended to apply thereto. The report, when so furnished and filed with the board, shall not be acted upon until one week has elapsed from the date of the filing of the same.

Thereafter the board may, by resolution requiring one reading for its adoption, propose the making of an improvement or improvements specifying the streets, storm drainage, sanitary sewerage system, water system or street lighting system, or combination thereof, to be opened, constructed or improved, the area, owner, so far as known, and general description and location of new land to be acquired, if any; the materials proposed to be used; the proposed method of assessment including the minimum number of installment payments to be proposed; the general boundaries of the district or frontage, subdistricts and zones to be assessed; the maximum estimated unit of assessment. Such resolution shall refer to and incorporate by reference such surveys, plans, maps and other data reported by the engineer as shall be approved by the board. The resolution shall also fix a date of public hearing upon the proposed improvement, which date shall be not less than fifteen days after the first publication of notice thereof in a newspaper of general circulation in the county.

After the adoption of the resolution, the county clerk shall cause a notice of the public hearing to be published once a week for two successive weeks (two publications in all) in a newspaper of general circulation in the county of Kauai, giving notice generally to all owners, lessees and occupants of land proposed to be assessed or acquired and to all others interested of the general details of the proposed improvements as adopted by the board and stating the time and place of public hearing and where the resolutions and reports and other data may be seen and examined prior to the hearing. Like notices shall be posted conspicuously at least ten days prior to the hearing approximately every two hundred and fifty feet along the highway or highways proposed to be opened or improved. In case of a storm drainage system, street lighting system or water system proposed to be constructed or improved independently, like notices shall be posted conspicuously at various places

within the area or along the frontage to be assessed. Notice of the public hearing shall be mailed to the owners, so far as known, by registered letter with return receipt requested therefor, but the failure to receive such notice shall not be a ground to invalidate the proceedings followed pursuant to this chapter. Affidavits of publication both in the newspaper and along the route of improvement, respectively, and of mailing such notices shall be filed with the board at the hearing. [L. 1951, c. 290, s. 7.]

[Sec. 6448.08.] Section 8. **Protests, objections, suggestions.** Any owner of property proposed to be assessed may at any time prior to or at the public hearing file in writing, with the board, any protest, objections or suggestions as to the proposed improvement, stating briefly his reason therefor, or present the same in person orally, at the public hearing. If the owners of fifty-five per centum of the total frontage or area to be assessed for such improvements shall at the hearing or prior thereto file with the board written protests, duly acknowledged by such owners, against the making of the improvements or against any part of the plan thereof, the same shall not be made contrary to the protest. If the protest is against the making of any improvement, the same shall not be made, and the proceedings shall not be renewed within six months from the date of closing the public hearing, unless each and every owner protesting shall withdraw his protest; **provided**, that any lessee of any property to be assessed under this Act, who by the express terms of his lease must pay the kind of assessments contemplated by this Act shall be subrogated to all the rights of such owner to protest by filing with the board prior to or at the hearing a certified copy of his lease, together with a citation of the book and page of the public record of the same if it be recorded; **provided**, however, that any lessor of such lessee, or any owner of the property to be assessed, may, at any time before the closing of the public hearing, make void the protest of any lessee of the property on consideration of filing with the board of a duly acknowledged waiver of the stipulation in the lease which requires the lessee to pay the special assessment, and a written undertaking by the lessor or owner to pay the special assessment to be made under the proposed improvement. [L. 1951, c. 290, s. 8.]

[Sec. 6448.09.] Section 9. **Petition of owners.** If the owners of not less than sixty per centum of the frontage upon any street, alley or highway designated by them, or of sixty per centum of the area of land designated by them as a proposed improvement district, shall file with the board a petition duly acknowledged

by the owners requesting the construction of special improvements, together with the surveys, maps, plans and other preliminary data and estimates mentioned in section 7 in the case of a proceeding initiated by the board, the board shall thereupon proceed thereon in the same manner as though the plan for such improvements had been initiated on its own motion; and the cost of the preliminary surveys, maps and other data, if not in excess of the estimate therefor stated in the petition, shall be deemed part of the cost of the improvement; **provided**, however, that upon such petition the board shall not have power to abandon the proceedings or make any change or modification of the plans or the details or specifications for the proposed improvements without the written and duly acknowledged consent of the owners, of not less than sixty per centum of the frontage or area of the land to be assessed; **except** that the board may decline to acquiesce in or may modify any part of the plan which contemplates the payment by the county or any part of the cost of acquiring new land or of any part of the cost of improving any main or general thoroughfare, and in such event, if the owners of not less than sixty per centum of the frontage or property to be assessed shall in writing acquiesce in the change or modification, the board shall be bound to proceed with the plan as so modified. [L. 1951, c. 290, s. 9.]

[Sec. 6448.10.] **Section 10. Petition by owners of one hundred per centum of frontage or area.** If a petition is filed and is acknowledged by the owners of one hundred per centum of the frontage upon any street, alley or highway or of the area of land designated by them as a proposed improvement district, and by all lessees of any property to be assessed under this Act, who, by the express terms of the lease, must pay the kind of assessment contemplated by this Act, unless the lessor shall, with the petition, file a duly acknowledge waiver of the stipulation in the lease which requires the lessee to pay the special assessments, and a written undertaking by the lessor or owner to pay the special assessments, to be made under the proposed improvement, then the board shall proceed in the same manner as though the plan for the improvement had been initiated on its own motion, excepting that it shall be unnecessary for the board to give, publish or post notice of, call or conduct a public hearing or to publish or post notices of the proposed improvements, as provided for in section 7, and in the case of a petition acknowledged by the owners of one hundred per centum as aforesaid, section 8 shall be inapplicable thereto, any other provision or section to the contrary, notwithstanding; and in case the owners of one hundred per centum as aforesaid, shall, in writing, consent to the amount and apportionment of the proposed as-

sessments for such improvements, it shall be unnecessary to give the notice or to hold the hearing specified by section 13 and the board may immediately proceed to fix the assessment or assessments in the manner provided by section 14.

No such improvement shall be approved by the board unless (a) the assessed valuation for taxation purposes of the land to be so improved is twice the estimated cost of the proposed improvement, or, (b) the board by resolution shall find that the appraised value of such land in accordance with prevailing standards of appraisal then used by banks for loans thereon is twice the estimated cost of the proposed improvement and that such approval is in the public interest. [L. 1951, c. 290, s. 10.]

[Sec. 6448.11.] Section 11. **Determination by supervisors.** After the hearing provided in section 7, the board shall consider any protests, objections or suggestions which may have been made or filed and whether sufficient valid protests have been filed to compel it to abandon any part or all of the proposed improvement. If the board still has jurisdiction to continue it shall then proceed, determine whether or not the proposed improvements shall be made as proposed, or made with modifications, and in the latter event modifications or changes, not substantially reducing the frontage or area to be assessed, and not increasing the maximum estimated unit of assessment, or lessening the unit cost per front foot or square foot may be made without again giving notice of a hearing as provided in section 7; **provided**, such modifications or changes shall not materially alter the general character or plan so advertised. If, after such initial or further advertisement and hearing when no changes are made which will require further advertisement or hearing, the board shall have determined to proceed with the improvements, it shall, by resolution requiring not more than one reading for its adoption, create, define, and establish the extent of the frontage improvement or the improvement district to be assessed, as the case may be, and define the kind, extent and general details to be acquired, if any, declare the part or proportion of the cost of the improvement which is to be borne by the county as aforesaid, the method of assessment, and the kinds of materials to be used, and by the resolution further direct the county engineer to prepare a corrected map of the highway or highways to be improved showing the abutting lands, or of the improvement district showing the highways therein to be improved, or the special improvements to be constructed or improved, as the case may be, and showing the exact location of the improvements, together with the final details, plans and specifications for the work; all in such form as will readily permit and encourage genuine competition be-

tween contractors insofar as the materials specified will permit of such competition; and the same, when by resolution similarly approved and adopted by the board, shall be used as the basis for the calling of bids and awarding of a contract or contracts for the work as hereinafter provided.

In case the improvements so determined upon shall require the acquisition of any new land therefor, the board shall acquire the same before final award of the contract, either by deed, or other voluntary conveyance from the owners thereof, or it may, at its option, and in the name of the county cause condemnation proceedings to be brought to acquire the same in like manner as by law provided or like proceedings when brought by the superintendent of public works, and after the filing of the petition in such proceedings the final award of the contract may be made. If the cost of acquiring such land shall exceed the estimate thereof, the board may provide for the excess cost by general appropriation. In the event that land shall have been acquired by condemnation under the provisions of chapter 8 and in the award made on the condemnation there shall have been deducted from the compensation or damages otherwise payable to the landowner, any amount by reason of the fact that land of such landowner not sought to be condemned would be benefited by the construction of improvements proposed to be made after the condemnation, it shall be unlawful to make any assessments against such land under this Act without having first credited against the amount for which said land would otherwise have been assessed the amount that shall have been deducted in the award made on condemnation for benefits by reason of the construction of improvements proposed to be made after condemnation. [L. 1951, c. 290, s. 11.]

[Sec. 6448.12.] Section 12. **Contract, bids, bonds.** All improvements made under the provisions of this Act shall be constructed under contract let to the lowest responsible and reliable bidder therefor, after public advertisement by the board in some newspaper of general circulation in the county once a week for not less than two weeks; the board may either let the work as an entire contract, or, in its discretion, make one or more contracts separately for the different kinds of work to be performed, or for the improvement of different highways or special improvements or part of highways or special improvements to be improved or constructed under one proceeding. No bid shall be considered unless accompanied by a certified check, or its equivalent, payable to and in favor of the county, for not less than five per centum of the amount of the bid, which check, or its equivalent, shall be forfeited to the county, unless the successful bidder shall sign the contract and furnish an approved bond

within the time specified by the board. No bid in excess of the estimated costs shall be accepted by the board without the written and acknowledged approval of the owners of at least sixty per centum of the frontage or area to be assessed, as the case may be; and the board shall have the right to reject any and all bids and in such case to readvertise for tenders if it deems advisable to do so. But no contract shall be made without a bond to the county for the faithful performance of such contract in an amount not less than fifty per centum of the contract price, with at least two sufficient sureties, each of whom shall be worth not less than the full amount of the bond over and above all property exempt from execution, and who shall, upon the written demand of the board or of any owner of property subject to assessment, be required to justify thereon on an examination under oath before the board; **provided that**, instead of personal sureties, a duly qualified surety company may be substituted as provided by law. If upon such examination any surety shall be held insufficient, a new bond with sufficient surety or sureties shall be filed by the successful bidder within the time specified and allowed by the board, or the contract to him and the deposit shall be forfeited. Upon the contract being signed and a sufficient bond furnished as aforesaid, the deposit made with the bid shall be returned to the contractor. Any other method of letting contracts shall be illegal and void.

The board may, any other provision of the law to the contrary notwithstanding, let the contract without having the total amount of the contract prices available, and if the completion of the contract will extend beyond the fiscal year in which the same is executed it may be let without the board appropriating the total amount the county is obliged to pay toward the contract price. In the latter event, however, the county must have available and appropriated at the time of letting the contract, if the same is to be completed during the next succeeding fiscal year, at least fifty per centum or if the same by its terms is not to be completed until beyond the next succeeding fiscal year at least thirty-three and one-third per centum of the amount the county is obliged to pay toward the contract price and the balance shall in the first event be a first charge on the revenues of the county for the next succeeding fiscal year and in the latter event shall be a first charge on the revenues of each of the next two succeeding fiscal years in the amount that the same will be required during such fiscal years but in an amount of not less than fifty per centum of the balance at the beginning of the first succeeding fiscal year and the remainder at the beginning of the second succeeding fiscal year. The contract shall not be legal unless, before it is let, the board by resolution pro-

vides for the automatic appropriation at the beginning of the next succeeding fiscal year or years of the amounts herein made a first charge on the revenues of the county for such fiscal year or years and the auditor of the county shall make the appropriations on his books as by the resolution provided. [L. 1951, c. 290, s. 12.]

[Sec. 6448.13.] **Section 13. Notice of improvement authorized.** The board shall cause to be prepared by the county engineer a corrected map similar to that required under section 7, and a preliminary assessment roll and description of properties to be assessed showing in detail the proportionate amount per front foot, and the exterior boundaries of the lands subject to the assessment, if the assessment is to be made on such basis, or per square foot, if the assessment is to be made according to area, proposed to be assessed against the property in the benefited district or in the several subdistricts or zones thereof, if any, and a list of all known owners, lessees and occupants of the land fronting upon such highway or highways or situate within the improvement district, and shall thereupon by advertisement in the same manner as that provided in said section 7, give notice of the total amount of the cost of the improvement based upon the bid of the lowest responsible and reliable bidder, the maximum share per front foot or per square foot, as the case may be, proposed to be charged to the benefited district or subdistricts or zones, if any, and that the corrected map, preliminary assessment roll and description of properties may be seen and examined at the office of the county engineer during business hours at any time prior to and including the date fixed for hearing; the notice shall also fix a date and place when a public hearing will be had and the board will sit as a board of equalization to receive complaints or objections respecting the total amounts of the proposed several assessments, which date shall not be less than ten days nor more than three weeks after the date of the first newspaper publication of the notice. [L. 1951, c. 290, s. 13.]

[Sec. 6448.14.] **Section 14. Assessments fixed by ordinance.** After the hearing, the board shall forthwith proceed to make such modifications or changes as to them may seem equitable or just, or shall confirm, the first proposed assessment, and upon reaching a final decision shall thereupon, by ordinance, fix the portions of the cost to be assessed against the benefited properties and against the owners thereof respectively, which such ordinance shall incorporate by reference the assessment roll as approved by the board, and after the final enactment of such ordinance the amounts of the several assessments so listed, advertised and

incorporated and not previously objected to shall be conclusively presumed to be just and equitable and not in excess of the special benefits accruing or to accrue by reason of the improvement to the specific property assessed. [L. 1951, c. 290, s. 14.]

[Sec. 6448.15.] Section 15. **Notice and collection of assessments.** It shall be the duty of the treasurer of the county forthwith to post notice of assessment upon the land assessed, and to notify the several owners, lessees or occupants, respectively, by registered letter and request a return receipt therefor, of the several amounts assessed on the respective properties and of the date when such assessments are payable. It shall also be his duty to collect such assessment and to set aside all moneys so collected in a special fund or funds for the frontage improvement or improvement district, as the case may be. [L. 1951, c. 290, s. 15.]

[Sec. 6448.16.] Section 16. **Assessments payable when.** All assessments so made shall be due and payable within thirty days after the date of the last publication of the ordinance; provided that any assessments may, at the election of the owner of the land assessed, be paid in installments with interest, as hereinafter provided. Failure to pay the whole of any assessment within the period of thirty days shall be conclusively considered and held an election on the part of all persons interested in such assessments, whether under disability or otherwise, to pay in installments. All persons so electing to pay in installments shall be conclusively considered and held to have consented to the improvement and such election shall be conclusively held and considered as a waiver of any and all right to question all power or jurisdiction of the county to make the improvement, the regularity or the sufficiency of the proceedings, or the validity or correctness of the assessment. [L. 1951, c. 290, s. 16.]

[Sec. 6448.17.] Section 17. **Lien; new assessment.** All assessments made pursuant to this Act shall be a lien against each lot or parcel of land assessed from the date of the first publication of the ordinance declaring the assessment until paid and shall have priority over all other liens except the lien of property taxes and for other public purposes. No delay, mistake, error, defect, or irregularity in any act or proceeding authorized by said sections shall prejudice or invalidate any assessment; but the same may be remedied by subsequent or amended acts or proceedings and, when so remedied, the same shall take effect as of the date of the original act or proceeding. If in any court of competent jurisdiction any assessment made under said sections is set aside for irregularity in the proceedings, the board may, upon notice as required in making an original assessment,

make a new assessment in accordance with the provisions of said sections. [L. 1951, c. 290, s. 17.]

[Sec. 6448.18.] Section 18. **Installments payable when.** In case of an election to pay any assessment in installments, the assessment shall be payable in not less than five nor more than twenty equal annual installments of principal, and each annual installment may in turn be made payable in twelve equal monthly installments as hereinafter provided. Interest in all cases shall be paid on the unpaid principal, payable annually at a rate not exceeding six per centum per annum. The number of such annual installments and period of payment and the rate of interest shall be as determined by the board; **provided**, however, that after the annual installments are determined and fixed if it shall appear to be of advantage to the assessee, the board may permit the treasurer to accept payments in monthly installments as hereinabove provided. [L. 1951, c. 290, s. 18.]

[Sec. 6448.19.] Section 19. **Payment in bonds.** The treasurer may accept in lieu of cash in payment of any assessment, installment thereof, interest, penalty, cost, expense or any portion thereof, bonds of the improvement district in which the land is situated, whether such bonds are outstanding or hereafter issued, to a value of par, plus accrued interest to the date of acceptance of such bonds by the treasurer. Upon the receipt of such bonds, the treasurer shall cancel same and credit the improvement district with the amount allowed on the bonds. [L. 1951, c. 290, s. 19.]

[Sec. 6448.20.] Section 20. **Effect of failure to pay installment.** Failure to pay any installment, whether of principal or interest, when due, shall cause the whole of the unpaid principal to become due and payable immediately and the whole amount of unpaid principal and accrued interest shall thereafter draw interest at the rate of one per centum per month or fraction of a month until the day of sale as hereinafter provided; but at any time prior to the day of sale the owner may pay the amount of all delinquent installments with interest thereon at one per centum per month or fraction of a month, and all costs and expenses accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been made. The owner of any land assessed, not in default as to any installment or payment, may at any time after the expiration of the first thirty day period pay the entire unpaid principal with interest thereon to the next subsequent annual date for the payment of installments. [L. 1951, c. 290, s. 20.]

[Sec. 6448.21.] Section 21. **Owner of undivided interest.** The owner of any undivided interest in any land may pay the whole

assessment and may have a joint or several right of action at law in assumpsit against the other owners of any interest in such land for their proportionate share of the assessments. [L. 1951, c. 290, s. 21.]

[Sec. 6448.22.] Section 22. **Sale for default.** In case of default in the payment of any installment of principal and interest when due, the treasurer shall advertise and sell the property concerning which default is made for the whole of the unpaid assessment thereon, interest and costs; **provided**, however, that the purchaser of such property shall be permitted to pay in cash the total amount of the delinquent installment or installments of principal and interest and penalty, and the balance in equal annual or monthly installments as originally provided. Such sale and advertisement shall be made by the treasurer in the same manner, under the same conditions and penalties and with the same effect as provided by general law for sales of real property for default in payment of property taxes. [L. 1951, c. 290, s. 22.]

[Sec. 6448.23.] Section 23. **Purchase at sale.** At any sale for default in payment of any assessment as aforesaid, the treasurer may accept, in lieu of cash, in payment for the land so sold, bonds of such improvement district whether such bonds are then outstanding or hereinafter issued, to a value of par plus accrued interest to date of sale. Upon the receipt of such bonds the treasurer shall cancel same and credit the improvement district with the amount allowed on the bonds [L. 1951, c. 290, s. 23.]

[Sec. 6448.24.] Section 24. **Improvement bonds authorized.** In the event of an election to pay all or any part of any such special assessment in installments, the amount required for immediate use to pay the contract price of the improvement, or the installments thereof from time to time as they fall due may be advanced out of any funds available in the general fund or the permanent improvement fund; **provided** that as soon as practicable the amounts so necessary shall be secured, and repaid if advances have been made, by the issuance of sufficient district improvement bonds of the county to raise such required amount or amounts. Such bonds shall be in such form as may be prescribed by the board, shall bear the name of the benefited or improved district, shall be payable to bearer in a sufficient period of years to cover the outstanding installment payments determined upon pursuant to the provisions of this Act, and shall be subject to call but not prior to the second interest date thereof as hereinafter provided. The bonds of each issue shall bear serial numbers, shall be of such denomination, not exceeding one thousand dollars each, as may be determined by the board, and shall bear interest at the

rate of not more than six per centum per annum, payable semi-annually, as may be determined by the board.

Such bonds shall be executed by the treasurer and issued pursuant to and under the authority and requirements of resolutions of the board. The bonds shall be countersigned by the chairman of the board and attested by the clerk and by the seal of the county. Interest coupons shall bear a lithographed or engraved facsimile of the signature of the treasurer. The treasurer shall preserve a record of the bonds in a suitable book kept for that purpose. The bonds shall be payable only out of the moneys collected on account of assessments made for the improvement for which they are issued and the county shall not otherwise guarantee payment of any bonds issued under the provisions of this Act; **provided**, however, that interest payments may be advanced by the board out of any moneys available in the improvement district revolving fund.

All moneys collected on account of assessments and interest for any improvement after the issuance of any bonds shall be kept by the treasurer in a special fund and applied solely to the payment of interest and principal of bonds issued for such improvement until such bonds shall have been paid. In the event that any surplus shall remain in any such special fund after the payment of the bonds chargeable against such fund or in case of a premium received on the sale of the bonds, it shall be a revolving fund, the moneys in which shall be available to make up deficiencies in the proceeds of bonds sold below par, to cover deficiencies in interest realized on account of diminishing balances of installments outstanding, and to advance interest due on bonds outstanding prior to collection of annual assessments, and also for the purpose of paying all expenses in prices of such delinquent lots as are bid for and purchased by the treasurer for the county, and the treasurer is authorized upon such purchase to transfer the proper amounts so bid to the proper special funds for the respective improvement districts concerned.

The principal and interest of the bonds shall be payable at the office of the treasurer of the county and may also be made payable at the office of any bank or fiduciary company in such other places as may be determined by the board. In all cases the bonds and coupons shall recite the places of payment. In case any bonds are made payable elsewhere than in Lihue, the treasurer shall remit the funds necessary to pay the interest and principal when due, of any such bonds, with exchange, to the institution so designated, first assuring himself that such institution is then solvent.

Bonds so issued shall be sold to the highest bidder or bidders therefore, after public advertisement for tenders for at least once each week for not less than two consecutive weeks in a suitable

newspaper of general circulation in the county, **provided**, however, that in the event only part of the issue so advertised be bid for, thereafter, the board may authorize the treasurer, by resolution, requiring only one reading for adoption, to sell the whole or any part of the remainder of such issue at the highest bid so received to any person at private sale. In the event no purchaser is found, the county may be the purchaser of any such bonds, using any funds available and unspent. The proceeds from the sale of such bonds shall be used by the board to pay wholly or in part the contract price of any improvement made as aforesaid. [L. 1951, c. 290, s. 24.]

[Sec. 6448.25.] Section 25. **Payment before maturity.** On and after the second interest due date of any bonds so issued and annually thereafter, whenever sufficient funds are in the hands of the treasurer, exceeding the next interest payment on the unpaid balance of any bonds so issued, the board may direct the treasurer, by resolution, to call for payment, by advertisement once a week for two weeks in some newspaper of general circulation in the county, such a number of bonds as there are funds to pay; and in each case the bonds to be called for payment shall be those of the lowest outstanding serial numbers, which serial numbers shall be specified in the advertisement so published. At the expiration of thirty days from the first publication of such notice interest on the bonds so called for payment shall cease; and the moneys provided for the payment shall be set aside by the treasurer in a special deposit to which fund only the owners of the bonds shall thereafter look for payment. [L. 1951, c. 290, s. 25.]

[Sec. 6448.26.] Section 26. **Payment at maturity.** All bonds not previously paid shall be paid at maturity together with interest thereon as the same become due at the places and in the manner prescribed by this Act. [L. 1951, c. 290, s. 26.]

[Sec. 6448.27.] Section 27. **Limitation time to sue.** No action or proceeding at law or in equity to review any acts or proceedings or to question the validity or enjoin the performance of any act or the issue of payment of any bonds, or the levy or collection of any assessments authorized by this Act, or for any other relief against any acts or proceedings, done or had under this Act, whether based upon irregularities or jurisdictional defects, or otherwise, shall be maintained unless begun within thirty days after performance of the act or the passage of the resolution or ordinance complied of. [L. 1951, c. 290, s. 27.]

[Sec. 6448.28.] Section 28. **Bonds not chargeable against general revenues.** No bonds issued under the provisions of this Act shall be considered as county bonds within the meaning of section 5252 of the Revised Laws of Hawaii 1945, as amended, nor shall

the payment of the same be a charge against the general revenues of the county. [L. 1951, c. 290, s. 28.]

[Sec. 6448.29.] Section 29. **Certificate by treasurer.** The treasurer shall on request give a certificate in writing to any person making request for same, showing in the certificate the balance due on any individual assessment for improvements for principal, with the date of next installment payment, the number of the installment payment and the amount to be due for the installment payment and particulars of interest and penalty on the next installment date to be due and owing. [L. 1951, c. 290, s. 29.]

[Sec. 6448.30.] Section 30. **Sale of land bid in by treasurer at sale.** Whenever any land shall have been bid in by the treasurer at any sale for default of the owner thereof, the treasurer in making such sale thereof as may by law be authorized, may sell the same upon the following terms and conditions:

(a) a down payment at the sale of twenty per centum of the purchase price;

(b) the balance payable in monthly installments of not less than one and one-third per centum of the total purchase price, plus interest of five per centum upon all unpaid balances;

(c) that failure for thirty days to pay any installment due shall effect an entire default of the purchaser's right, title and interest in such land and in any payments previously made by him on account thereof;

(d) subject to such building restrictions as the treasurer may prescribe;

(e) that such land when sold upon the foregoing terms and conditions shall be subject to real property taxes. [L. 1951, c. 290, s. 30.]

REFUNDING BONDS.

[Sec. 6448.31.] Section 31. **Refunding authorized.** The board is authorized and empowered to provide for the refunding of the outstanding indebtedness of improvement districts located within the county in the manner hereinafter provided. [L. 1951, c. 290, s. 31.]

[Sec. 6448.32.] Section 32. **Initiation of refunding.** The owners of real property in any improvement district whose property represents seventy-five per centum or more of the outstanding improvement assessments at the time of the filing of the petition shall, if it is desired that the indebtedness of the district be refunded, file with the board a petition which petition shall set forth the indebtedness of the district, that it is desired that the indebtedness be refunded, and the proposed method of refunding the outstanding indebtedness. The board shall thereupon by resolution, re-

quiring not more than one reading for its adoption, direct the county engineer to investigate and report to the board the amount of unpaid assessments and the property subject to the same improvement district, the detail of any delinquent assessments and of any unpaid penalties, whether the petitioners own real estate representing seventy-five per centum or more of the unpaid assessments in the district, the proposed method of reassessment of the lands subject to existing assessments, a new assessment roll showing the proposed new assessments, the cost of the proposed refunding scheme, and other details which may be necessary to carry into effect the proposed refunding project. Such report of the engineer shall be filed with the board. Within seven days after the filing of the engineer's report the petitioners shall deposit with the treasurer a sum sufficient to meet the cost of the refunding project as reported by the engineer.

Thereafter the board shall, by resolution requiring one reading for its adoption, propose the adoption of the suggested refunding plan specifying the outstanding indebtedness of the district, that the owners of land representing not less than seventy-five per centum of the unpaid improvement assessments have petitioned that the outstanding indebtedness of the district be refunded, the proposed refunding plan in detail, and the proposed method of reassessment, including the minimum number of installment payments to be proposed, and the maximum estimated unit of assessment. The resolution shall refer to and incorporate by reference the preliminary assessment roll and such other data reported by the engineer as shall be approved by the board. The resolution shall also fix the date of public hearing upon such plan, which date shall not be less than fifteen days after the first publication of notice thereof in a newspaper of general circulation in the county. After the adoption of the resolution, the county clerk shall cause a notice of the public hearing to be published as provided in section 7, giving notice generally to all owners, lessees, and occupants of the land still under assessment in the improvement district, and to all others interested in the general detail of the proposed refunding plan, stating the time and place of the public hearing and where the resolution, preliminary assessment roll, and other data may be seen and examined prior to the hearing. Like notices shall be posted in three of the most conspicuous places in the improvement district for which the outstanding bonds are issued. Affidavits of publication, both in the newspaper and of the posting, respectively, shall be filed with the board at the hearing.

Any owner of property, the assessments on which to pay the outstanding indebtedness have not been fully discharged may

at any time prior to or at the public hearing, file in writing with the board any protest, objection or suggestion as to the proposed refunding measure, stating briefly the reason therefor, or may present the same in person orally at the public hearing. If the owners of real property representing thirty per centum or more, of the outstanding improvement assessments shall at the hearing, or prior thereto, file with the board written protests duly acknowledged by such owners against the proposed refunding project, or against any part of the plan therefor, the same shall not be contrary to such protest. If the protest is against the adoption of any refunding plan, the same shall not be made, and the proceedings shall not be renewed within one year from the date of closing the public hearing, unless each owner protesting shall sooner withdraw his protest; **provided**, that any lessee of any property to be assessed under this chapter who by the express terms of his lease must pay the kind of assessments contemplated by this Act shall be subrogated to all the rights of such owner to protest by filing with the board prior to or at the hearing a certified copy of his lease, together with a citation of the book and page of the public record of the same if it be recorded; **provided**, however, that any lessor of such lessee, or any owner of property to be assessed, may, at any time before the closing of the public hearing, make void the protest or the right of protest of any lessee of the property on consideration of filing with the board a duly acknowledged waiver of the stipulation in the lease which requires the lessee to pay the special assessment, and a written undertaking by the lessor or owner to pay the special assessment to be made under the proposed improvement. The board shall also at the hearing sit as a board of equalization to receive complaints or objections respecting the total amounts of the proposed assessments. [L. 1951, c. 290, s. 32.]

[Sec. 6448.33.] **Section 33. Determination by supervisors.** After the hearing the board shall consider any protests or suggestions which may have been made and on file and whether sufficient valid protests have been filed to compel it to abandon the proposed refunding plan. If the board still has jurisdiction to continue, it shall then proceed, determine whether or not the refunding plan shall be adopted as proposed, or adopted with modifications, and in the latter event the clerk shall be directed to give notice again of the hearing as provided in section 32. If after such initial and further advertisement and hearing the board shall have determined to proceed with the refunding measure, it shall by ordinance requiring not more than one reading for its adoption, promulgate the refunding measure. Should the refunding project provide for the issuance of new

bonds in the improvement district, the ordinance shall provide for the form of new bonds to be issued, approve of the assessment roll, and incorporate the same by reference, which assessment roll as provided in section 13, shall contain only the names of the property owners who have not fully paid the assessments originally provided for the payment of the outstanding improvement bonds, and shall provide for the levying of new assessments in amounts sufficient to retire the refunding bonds to be issued pursuant to the terms hereof. After the final enactment of the ordinance the amounts of the several assessments so listed, advertised, or incorporated, not previously objected to, shall conclusively be presumed to be just and equitable and not in excess of the special benefits accruing or to accrue by reason of the original improvement project. Upon final passage of the ordinance as provided above, all assessments therein made shall be a lien in the same manner and to the same extent as provided in section 18; **provided**, however, that in no case shall these new assessments constitute a lien on property which has been discharged from the payment of the original assessment. [L. 1951, c. 290, s. 33.]

[Sec. 6448.34.] Section 34. **Refunding bonds.** Bonds issued for the refunding of the outstanding indebtedness of any improvement district shall bear the name of the improvement district for which they are issued, shall be payable to bearer and shall be in the form and issued and sold and subject to call and under all the other conditions and terms as prescribed by sections 24-28, both inclusive, except as otherwise prescribed in this Act.

A lower rate of interest than authorized in the original issue of bonds may be prescribed and the refunding bonds may be authorized to run for a term not to exceed fifteen years from the maturity date of the outstanding bonds. [L. 1951, c. 290, s. 34.]

[Sec. 6448.35.] Section 35. **Petition by all owners.** If the petition is filed and acknowledged by the owners of land representing one hundred per centum of the unpaid assessments in any improvement district, and by all lessees of any property to be assessed, who, by the express terms of their respective leases must pay the kind of assessments contemplated by this subtitle, unless the lessor of such lease shall file with the petition a duly acknowledged waiver of the stipulation in the lease which requires the lessee to pay such special assessments, and a written undertaking by the lessor or owner to pay the special assessments to be made under the proposed refunding plan, then the board upon the payment to the treasurer of the cost of the refunding plan, as estimated by the engineer, shall proceed as provided above to have a hearing on the proposed new method of assessment and the assessment roll; **provided** that in case the owners of one

hundred per centum as aforesaid, shall consent, in writing, to the amount and apportionment of the proposed assessments under the refunding plan, it shall be unnecessary to give the notice or to hold any of the hearings specified above and the board may immediately proceed to fix the assessment in the manner provided. [L. 1951, c. 290, s. 35.]

[Sec. 6448.36.] Section 36. **Old bonds cancelled.** Should the refunding project provide for the retirement of the outstanding bonds of the improvement district, the treasurer shall stamp the retired bonds "cancelled" and shall keep such cancelled bonds in his possession. [L. 1951, c. 290, s. 36.]

[Sec. 6448.37.] Section 37. **Obligations unimpaired.** Nothing contained in this subtitle shall be construed as giving the board or any improvement district authority to impair the obligations of the improvement district under any outstanding improvement district bonds. [L. 1951, c. 290, s. 37.]

[Sec. 6448.38.] Section 38. **[Construction of law.]** The provisions of this Act shall not be construed as a limitation on any of the powers of the Kauai waterworks bureau under any other law. [L. 1951, c. 290, s. 38.]

Section 39. The provisions of this Act are declared to be severable, and if any portion of this Act, or the application thereof to any person, circumstances or property, is held invalid for any reason, the validity of the remainder of this Act, or the application of such portion to other persons, circumstances or property, shall not be affected.

Section 40. This Act shall take effect upon its approval.

(Approved June 9, 1951.) **H.B. 577, Act 290.**

Chapter 126. PROVISIONS SPECIFIC FOR MAUI.

§ 6451. **Salaries, Maui.** AM. L. 1947, Act 209 [B-107]; AM. L. 1951, Act 221 [B-137], *supra*.

§ 6452.01. **Enactment of standard codes by reference.** NEW, Sp. L. 1949, Act 53 [B-28].

Series B-145: ACT 55

An Act to Authorize the Board of Supervisors of the County of Maui to Regulate Motor Vehicle Common Carriers of Passengers in the County.

Be it Enacted by the Legislature of the Territory of Hawaii:

[Sec. 6452.02.] Section 1. **[Regulation of motor vehicle common carriers.]** The board of supervisors of the county of Maui

is hereby authorized to regulate by ordinance the operation of motor vehicle common carriers transporting passengers within the county of Maui and to adopt and amend such regulations as the board may deem necessary for the public convenience and necessity. [L. 1951, c. 55, s. 1.]

Section 2. Any ordinance heretofore adopted by the board of supervisors of the county of Maui regulating the operation of motor vehicle common carriers transporting passengers within the county of Maui shall be deemed to have been authorized at the time of its adoption and shall be in full force and effect until it is amended or repealed by said board.

Section 3. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 10, 1951.) H.B. 951, Act 55.

§ 6457. Rep. L. 1945, Act 93 [B-126].

§ 6458. Kula Sanitarium; managing committee duties. Am. L. 1951, Act 94 [F-319], post.

Old §§ 6459-63, Rep. L. 1945, Act 41 [B-130]; however, see L. 1949, Act 8 [B-190], NEW §§ 6459-63.

Series B-151: ACT 9

An Act to Amend Section 6459 of the Revised Laws of Hawaii 1945, as Amended, Relating to the Maui Hospital Managing Committee.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 6459 of the Revised Laws of Hawaii 1945, as amended, is hereby amended in the following respects:

- (a) By deleting the word "five" in the third line thereof and inserting the word "seven."
- (b) By deleting the words "and one" in the eighth line thereof and inserting the words "and three."
- (c) By deleting lines 13 and 14 thereof and inserting the following:

"first appointed in 1949, one shall be appointed for a term of one year, two for terms of two years, and two for terms of three years. Of the members first appointed in 1951, one shall be appointed for a term of two years, and one for a term of."

Section 2. This Act shall take effect on July 1, 1951, but the new members of the Maui Hospital Managing Committee provided for by this Act may be appointed at any time prior thereto, which appointments shall take effect on July 1, 1951.

(Approved May 1, 1951.) H.B. 18, Act 9.

§ 6459. Maui hospital managing committee. NEW, L. 1949, Act 5 [B-189]; Am. L. 1951, Act 9 [B-151].

§§ 6460-63. Maui hospitals. NEW, L. 1949, Act 5 [B-189].

Old § 6464, rep. L. 1947, Act 25 [B-117]; however see new.

§ 6464. Department created; powers, duties and functions. NEW, L. 1949, Act 8 [B-190].

§ 6465. County engineer. AM. L. 1949, Act 8 [B-190].

Old § 6466, rep. L. 1947, Act 25 [B-117]; however see new.

§ 6466. Deputies, assistants and employees. NEW, L. 1949, Act 8 [B-190].

§ 6466.01. Sewer system employees not to work on water systems. NEW, L. 1949, Act 85 [A-191].

Old §§ 6467-83, rep. by L. 1947, Act 212 [B-106], however see new.

§§ 6467-69. Maui fire dept. NEW, L. 1949, Act 25 [B-192].

§§ 6485.01-.39. Maui improvements by assessments. NEW, L. 1949, Act 271 [B-193]. See L. 1949, Act 289 [B-194].

Series B-152: ACT 208

An Act Relating to Public Parks, Playgrounds and Recreation in the County of Maui, and Repealing All Laws, Ordinances, Rules and Regulations in Conflict With This Act.

Be it Enacted by the Legislature of the Territory of Hawaii:

[Sec. 6487.01.] Section 1. **Board of parks, playgrounds and recreation established.** There is hereby created a board which shall be known as the "board of parks, playgrounds and recreation of the county of Maui", hereinafter sometimes referred to as the "board". The board shall consist of five members, four of whom shall be appointed by the chairman of the board of supervisors of the county of Maui with the approval of the board of supervisors. One of the members so appointed shall be designated annually by the chairman of the board of supervisors as president of the board. The fifth member shall be appointed by the chairman of the board of supervisors from among the members residing on the island of Maui of the staff of the superintendent of public instruction of the Territory of Hawaii with the approval of the superintendent of public instruction. [L. 1951, c. 208, s. 1.]

[Sec. 6487.02.] Section 2. **Terms of office.** The term of office of the member representing the department of public instruction shall expire on December 31st of the even numbered year next after his appointment. The terms of office of the remaining members of the board shall be four calendar years each; **provided**, however, that the terms of such remaining members first appointed under the provisions of this Act shall expire respectively, on December 31

of the years 1951, 1952, 1953 and 1954. Each member shall hold office until his successor is appointed. Any vacancy which shall occur during a term shall be filled for the unexpired portion thereof only. [L. 1951, c. 208, s. 2.]

[Sec. 6487.03.] Section 3. **Quorum.** The board shall hold meetings at such times as it shall deem necessary. Three members shall constitute a quorum. Concurrence of a majority of the members present at any meeting shall be necessary to make any action of the board valid. [L. 1951, c. 208, s. 3.]

[Sec. 6487.04.] Section 4. **Parks, playgrounds and recreation in charge of board.** All public parks, public playgrounds and public recreation grounds in the county of Maui owned or controlled by said county (exclusive of school playgrounds), together with all equipment, supplies and paraphernalia, and all real or personal property of whatever nature used in connection with the same, shall be under the control and management of the board of parks, playgrounds and recreation, including, without prejudice to the generality of the foregoing, all personal and other property now in possession and control of the parks superintendent of the county of Maui.

The board shall have full and complete authority to provide facilities and equipment for, and to manage, supervise, control and promote all programs relating to the use of public parks, public playgrounds, public recreation centers, gymnasiums, playrooms, swimming pools, athletic fields, courts, golf courses, picnic and camping grounds and other similar public recreation grounds and halls, which may be under its jurisdiction and control, for the moral, intellectual and physical welfare of the public; with the consent and under such conditions as may be prescribed by the department of public works of the county of Maui and the department of public instruction, to initiate, supervise and promote recreation programs after school hours and during vacation on properties under the control of the department of public instruction in the county of Maui; to appoint and supply experienced and well trained leaders in the field of public recreation; to interpret community recreation needs to the community by developing a program of public relations, publicity and cooperation with other agencies and the public; and to perform such other duties and functions pertaining to the promotion of public recreation as may be prescribed from time to time.

The board is authorized to lease, rent or grant concessions in any park, recreation or playground area that may be deemed to be in the interest of the public and all revenues derived from such concessions shall be deposited in the fund established under the provisions of section 8 hereof.

The board shall have power to enter into any contract that may be necessary to carry out the provisions of this Act; **provided**, however, that all such contracts shall be governed by the laws of the Territory generally applicable to similar contracts. Such contracts shall be executed in the name of the board and shall be signed by its president or acting president. [L. 1951, c. 208, s. 4.]

[Sec. 6487.05.] **Section 5. Rules and regulations.** The board of parks, playgrounds and recreation shall have power to make, amend and repeal such rules and regulations as it may deem proper to fully effectuate and carry out the purposes of this chapter which are hereby declared to be (1) to provide an adequate system of parks, playgrounds and recreational areas for the people of the county and (2) to so regulate the use of them as to best serve the public interest. All such rules and regulations shall be approved by the chairman of the board of supervisors and when promulgated as required by section 466, Revised Laws of Hawaii 1945, shall have the force and effect of law. [L. 1951, c. 208, s. 5.]

[Sec. 6487.06.] **Section 6. Property.** The board of supervisors of the county of Maui is authorized to purchase, sell or exchange or otherwise dispose of park, playground, or recreational property, whether real or personal, with the prior written approval of the board of parks, playgrounds and recreation; **provided**, however, that the board of supervisors may, by unanimous vote of its members, make any such disposition without the approval of the board of parks, playgrounds and recreation. All proceeds of any such sale shall be deposited with the county treasurer in the fund established under section 8 hereof and expended only for acquisition of other real or personal property for park, playground or recreational purposes. [L. 1951, c. 208, s. 6.]

[Sec. 6487.07.] **Section 7. Appointment of employees.** The board shall appoint and fix the compensation of a full time superintendent who shall not be subject to civil service and may appoint such other employees as may be necessary and fix their compensation subject to the provisions of chapters 2 and 3 of the Revised Laws of Hawaii 1945. [L. 1951, c. 208, s. 7.]

[Sec. 6487.08.] **Section 8. Appropriations; fund.** All appropriations of the county of Maui for purposes of parks, playgrounds or recreation (other than at public schools) shall be for the use of the board of parks, playgrounds and recreation. All moneys of the board shall be held by the county treasurer in a special fund and may be expended by the board, except as herein otherwise provided, for all proper purposes. Disbursements shall be made upon war-

rants drawn by the auditor based upon vouchers approved by the president of the board. [L. 1951, c. 208, s. 8.]

Section 9. All laws, ordinances, rules and regulations in conflict with this Act are hereby repealed.

Section 10. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 28, 1951.) S.B. 515, Act 208.

§§ 6490.01-.03. Maui County water works; definitions, board, term. NEW, L. 1949, Act 289 [B-194].

Series B-153: ACT 102

An Act Relating to the Maui County Waterworks board.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Act 289 (Series B-194) of the Session Laws of Hawaii 1949, is hereby amended in the following respects:

(1) By amending section 4 [Sec. 6490.04.] thereof by adding a new paragraph thereto to read as follows:

"The manager and chief engineer at such time as may be prescribed by the board, shall present to the board full annual reports of the principal transactions of the water supply system during the last completed year; which reports together with such recommendations as the board may think proper, shall be presented to the chairman and executive officer of the board of supervisors and the board of supervisors."

(2) By amending section 14 [Sec. 6490.14.] thereof by deleting the last paragraph thereof and inserting in lieu thereof the following:

"On or before the 15th day of November in each of the years 1951 and 1952 the board shall certify to the chairman of the board of supervisors the amount of appropriation necessary to pay the expenses and fixed charges of the board (over and above the board's other income and other available funds) for the year next following, and the chairman of the board of supervisors shall submit the same to the board of supervisors, and the board of supervisors shall appropriate such amount, provided that no such appropriation shall exceed the sum of \$125,000.00 for any one year."

Section 2. If any section, subsection, sentence, clause or phrase of this Act is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Act. The legislature hereby declares that it would have approved this Act and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 3. All provisions of law in conflict with this Act are superseded by the provisions hereof to the extent of such conflict.

Section 4. This Act shall take effect on July 1, 1951.

(Approved May 18, 1951.) H.B. 985, Act 102.

§ 6490.04. Powers of board, organization and meetings; rules and regulations. NEW, L. 1949, Act 289 [B-194]; Am. L. 1951, Act 102 [B-153].

§§ 6490.05-.13. Rates, board office, powers, etc. NEW, L. 1949, Act 289 [B-194].

Series B-154: ACT 11

An Act to Amend the First Paragraph of Section 14 of Series B-194: Act 289 of the Session Laws of Hawaii 1949, relating to Maui County Waterworks Board.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. That the first paragraph of section 14 of Series B-194: Act 289 of the Session Laws of Hawaii 1949, is hereby amended to read as follows:

[Sec. 6490.14.] Section 14. **Operating expenses, reserves, *subsidation by county.** All revenues or moneys derived from the waterworks or otherwise appropriated for the board, other than funds derived from the sale of bonds, shall be paid into the treasury of the county and maintained by the treasurer in a waterworks fund. Such fund shall be expended for the following purposes and with preferences in favor of the several purposes in the order stated: (a) for the payment of interest and sinking fund and reserve fund requirements on all bonds issued after July 1, 1949, for acquisition or construction of the waterworks and reconstructing, improving, bettering or extending the same; (b) for the payment of operating, maintenance and repair expenses of the waterworks; (c) for accident reserve, pension charges and compensation insurance; (d) for purchase or development of new sources of water and for replacements, additions and ex-

* Sic.

tensions to the waterworks, and (e) for a reserve fund as provided in section 12."

Section 2. This Act shall take effect from and after the date of its approval.

(Approved May 1, 1951.) S.B. 69, Act 11.

§ 6490.14. Operating expenses, reserves, subsidization by county. NEW, L. 1949, Act 289 [B-194]; Am. L. 1951, Act 102 [B-153], Am. Act 11 [B-154].

§§ 6490.15-.19. Disbursement of funds, agreements, etc. NEW, L. 1949, Act 289 [B-194].

Title 18: HONOLULU GOVERNMENT.

Chapter 127. CITY AND COUNTY OF HONOLULU.

§ 6521. General powers. This section was amended as to pars. 2, 5, 12 by L. 1945, Act 27 [B-131], Act 172 [A-86] and L. 1947, J. R. 17; see also L. 1949, J. R. 8; am. Act 247 [B-196] amending par. 13; Act 41 [B-195] amending par. 16 and adding new par. 16A, Act 273 [B-197] supplanting and enlarging par. 43 and adding par. 43A; pars. 40-41, rep. L. 1951, Act 129 [A-57].

§ 6522.01. Additions to Waikiki Beach Park. NEW, L. 1945, Act 141 [B-133].

§ 6524. Rep. L. 1945, Act 93 [B-126].

§ 6526. Police approp. Am. L. 1945, Act 83 [A-111].

Series B-155: ACT 108

An Act Relating to Off-Street Parking Areas and Amending Section 6527.01 of the Revised Laws of Hawaii 1945 and Act 153 of the Session Laws of Hawaii 1949.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 6527.01 of the Revised Laws of Hawaii 1945 is hereby amended by inserting after the words "district of Honolulu" in the fifth and twenty-first lines of said section, the words "and in rural areas covered by the master plan of the city and county of Honolulu".

Section 2. Act 153 [Series B-169.] of the Session Laws of Hawaii 1949 is hereby amended by substituting for the words "City of Honolulu" the words "city and county of Honolulu" in the last line of the first paragraph of section 1 of said Act, and by inserting after the words "district of Honolulu" in the eighth line of section 4 thereof, the words "and in rural areas covered by the master plan of the city and county of Honolulu".

Section 3. This Act will take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 18, 1951.) S.B. 502, Act 108.

§ 6527.01. **Public off-street parking.** NEW, L. 1945, Act 225 [B-134]; Am. L. 1949, Act 153 [B-169]; Am. L. 1951, Act 108 [B-155].

§ 6529.01. **Special elections.** NEW, L. 1947, Act 131 [B-118].

§ 6530. **Office hours.** AM. L. 1949, Act 232 [A-16]; see § 477.

Series B-156: ACT 25

An Act to Amend Section 6534 of the Revised Laws of Hawaii 1945, Relating to Prohibition of Unauthorized Employment and Fixing Salaries of Employees of the City and County of Honolulu.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 6534 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

“Sec. 6534. Employment without authorization prohibited; salaries fixed, how. No officer, board or department shall appoint or employ any person in any position not previously authorized by ordinance or temporarily authorized by resolution for a period of not to exceed six months pending amendment of the salary ordinance. The salary of all positions shall be as fixed by ordinance, and applicable statutes.” [L. 1907, c. 118, s. 145; am. L. 1919, c. 62, s. 16; R. L. 1925, s. 1848; R. L. 1935, s. 3120; am. L. 1939, c. 242, s. 4(59); am. L. 1943, c. 9, s. 2; R. L. 1945, s. 6534; am. L. 1951, c. 25, s. 1.]

Section 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 4, 1951.) S.B. 252, Act 25.

§ 6547. **Assignments of salary; endorsement of notes; loans.** Am. L. 1949, Act 265 [B-198], rewritten p. 433.

Series B-157: ACT 243

An Act to Amend Section 6548 of the Revised Laws of Hawaii 1945, as Amended, Relating to Salaries of Certain Officers of the City and County of Honolulu.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 6548 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended to read as follows:

"Sec. 6548. Salaries of certain officers. The salaries of the following officers of the city and county are hereby fixed and shall be payable semi-monthly out of the city and county treasury at the following annual rates:

	Per Annum
Mayor	\$ 14,000
Members of the board of supervisors	3,600
Sheriff	8,780
City and county clerk	10,780
Auditor	10,780
Treasurer	10,780."

[L. 1907, c. 118, s. 39; R. L. 1925, s. 1762; am. L. 1927, c. 198, s. 1; am. L. 1929, c. 144, s. 1; am. L. 1931, c. 243, s. 1; am. L. 1932, 1st, c. 13, pt. of s. 1; am. L. 1932, 1st, c. 14, s. 1; R. L. 1935, s. 3046; am. L. 1935, c. 111, s. 1; am. L. 1937, c. 158; am. Sp. L. 1941, c. 95, s. 5; am. L. 1943, c. 147, s. 1; R. L. 1945, s. 6548; am. L. 1947, c. 210, s. 1; am. L. 1951, c. 243, s. 1.]

Section 2. The base pay increases granted by the public salary and bonus laws of 1945 (Series A-4: Act 263) and of 1947 (Series A-4: Act 208) or by any other law enacted at the regular session of the twenty-sixth legislature, shall not be applicable or payable to any of the officers whose salaries are fixed by this Act, but any general bonus for all public employees which may be granted under said laws or under any other similar law, shall be applicable and payable to said officers as a full time bonus.

Section 3. This Act shall take effect on July 1, 1951.

(Approved May 28, 1951.) H.B. 1008, Act 243.

§ 6549. Salaries of appointive officers. AM. L. 1949, Act 143 [B-199].

Series B-158: ACT 261

An Act Relating to the Honolulu Police Department and Amending Section 6550 of the Revised Laws of Hawaii 1945, as Amended.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 6550 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended to read as follows:

"Sec. 6550. Salaries of officers and members of the police department; probationary appointments. (a) The annual salaries of the officers and members of the police department of the city and county shall be as follows:

Chief of police	\$10,780.00
Deputy chief of police	8,780.00
Assistant chief of police (upon the retirement of the present assistant chief of police, said office shall be abolished).	7,080.00

Captains of police:

\$5,780.00 each for the 1st year of service
6,030.00 each for the 2nd year of service
6,280.00 each for the 3rd year of service
6,530.00 each for the 4th year of service
6,780.00 each for the 5th and subsequent years of service

Desk lieutenants, detective lieutenants and field lieutenants:

\$4,485.00 each for the 1st year of service
4,685.00 each for the 2nd year of service
4,885.00 each for the 3rd year of service
5,105.00 each for the 4th year of service
5,325.00 each for the 5th and subsequent years of service

Dispatch sergeants, detective sergeants, sergeants of police, detectives, police reporters:

\$3,715.00 each for the 1st year of service
3,895.00 each for the 2nd year of service
4,085.00 each for the 3rd year of service
4,285.00 each for the 4th year of service
4,485.00 each for the 5th and subsequent years of service

Patrolmen, patrolmen clerks, police women:
 \$3,095.00 each for the 1st year of service
 3,240.00 each for the 2nd year of service
 3,390.00 each for the 3rd year of service
 3,545.00 each for the 4th year of service
 3,715.00 each for the 5th and subsequent
 years of service

Trainees:

\$2,850.00 each

Any police officer, regardless of rank, who is assigned to the motorcycle division and who is required to personally operate a motorcycle, shall receive an additional sum of fifteen dollars (\$15.00) per month over and above his regular salary.

(b) All original appointments to service in the police department in the city and county shall be probationary during the first year of service." [L. 1937, c. 78, ss. 1, 2, 3; am. as to subs. (a) by Sp. L. 1941, c. 22, s. 1 and c. 95, s. 6; am. as to subs. (c) by Sp. L. 1941, c. 22, s. 2 and L. 1943, c. 184; am. L. 1943, c. 144, ss. 1, 2, 5; am. L. 1943, c. 225, s. 6; R. L. 1945, s. 6550; am. L. 1945, c. 263, s. 4; am. L. 1947, c. 11, s. 1; am. L. 1949, c. 140, s. 1; am. L. 1949, c. 341, s. 1; am. L. 1949, c. 351, s. 1; am. L. 1951, c. 261, s. 1.]

Section 2. **Section 6551** of the Revised Laws of Hawaii 1945, as amended, is hereby repealed. Any officer or employee who is assigned a compensation under section 3 higher than the minimum rate for his position shall be deemed to have served in such position for the number of years necessary to attain such rate.

Section 3. In determining initially the compensation to be paid employees occupying positions covered by the compensation schedules prescribed herein, the following rules shall govern:

(1) The compensation fixed for each position on June 30, 1951, shall be used as the base for making adjustments provided herein. Adjustment of compensation of any employee promoted or of any person employed after June 30, 1951, shall be on the basis of the compensation schedule prescribed in this Act.

(2) If the employee was receiving compensation less than the minimum rate for the position which he occupies, the compensation shall be increased to the minimum rate.

(3) If the employee was receiving compensation within the range of salary prescribed for the position at one of the rates

fixed therein, no change shall be made in the existing compensation.

(4) If the employee was receiving compensation within the range of salary prescribed for the position but not at one of the rates fixed therein, the compensation shall be increased to the next higher rate.

(5) If the employee was receiving compensation in excess of the range of the salary prescribed for the position, he shall continue to receive such compensation so long as he continues to serve in the position with substantially the same duties and responsibilities; **provided**, however, that notwithstanding the provisions of this section the compensation of no incumbent shall be reduced below the rate being paid him on the effective date of this Act so long as he continues to hold the same position.

(6) If, after the adjustment of compensation of all employees has been made in accordance with subsections (2), (3) and (4) hereof, it is shown that no change has been made in an employee's rate of compensation, or that such employee's adjustment is less than the value of one increment of the salary range prescribed for the position, the compensation of such employee shall be further adjusted by the addition of one increment, to the next higher rate but not higher than the maximum rate.

Section 4. Any bonus provided by Act 208, Session Laws of Hawaii 1947, as amended, or any general employees' bonus enacted by the regular 1951 session of the legislature, shall be payable to the employees mentioned in section 1 of this Act. In the event of a general base pay increase for government employees, the rates of compensation in section 1 of this Act shall cease to be effective and, notwithstanding any other law to the contrary, said employees mentioned in said section of this Act shall be governed by the provisions of chapter 3 of the Revised Laws of Hawaii 1945, as amended, and the rates of the classification schedule applying to said employees, including such base pay increase, shall be effective.

Section 5. This Act shall take effect July 1, 1951.

(Approved June 1, 1951.) S.B. 444, Act 261.

Series B-159: ACT 317

An Act to Amend Section 6552 of the Revised Laws of Hawaii 1945, as Amended, Relating to Salaries of Officers and Members of the Honolulu Fire Department.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Subsections (a) and (b) of section 6552 of the Revised Laws of Hawaii 1945, as amended, are hereby further amended to read as follows:

"(a) The annual salaries of the officers and members of the fire department of the city and county of Honolulu shall be as follows:

Chief	\$10,780.00
Deputy chief	8,780.00
Assistant chief	7,080.00

Battalion chief

\$5,780.00 for the 1st year of service
6,030.00 for the 2nd year of service
6,280.00 for the 3rd year of service
6,530.00 for the 4th year of service
6,780.00 for the 5th and subsequent years of service

Captains and master mechanic

\$4,885.00 for the 1st year of service
5,108.00 for the 2nd year of service
5,325.00 for the 3rd year of service
5,550.00 for the 4th year of service
5,780.00 for the 5th and subsequent years of service

Lieutenants and assistant mechanic

\$4,485.00 for the 1st year of service
4,685.00 for the 2nd year of service
4,885.00 for the 3rd year of service
5,105.00 for the 4th year of service
5,325.00 for the 5th and subsequent years of service

Engineer, radio mechanic and aerial ladder truck operator

\$3,715.00 for the 1st year of service
3,895.00 for the 2nd year of service
4,085.00 for the 3rd year of service
4,285.00 for the 4th year of service
4,485.00 for the 5th and subsequent years of service

Driver

\$3,390.00 for the 1st year of service
3,545.00 for the 2nd year of service
3,715.00 for the 3rd year of service
3,895.00 for the 4th year of service
4,085.00 for the 5th and subsequent years of service

Hoseman

\$3,095.00 for the 1st year of service
3,240.00 for the 2nd year of service
3,390.00 for the 3rd year of service
3,545.00 for the 4th year of service
3,715.00 for the 5th and subsequent years of service

Trainee hoseman

\$2,850.00 each.

(b) All original appointments to service in the fire department in the city and county shall be probationary during the first year of service."

Section 2. **Section 6553** of the Revised Laws of Hawaii 1945, as amended, is hereby repealed. Any officer or employee who is assigned a compensation under section 4 higher than the minimum rate for his position shall be deemed to have served in such position for the number of years necessary to attain such rate.

Section 3. Any bonus provided by Act 208, Session Laws of Hawaii 1947, as amended, or any general employees' bonus enacted by the Regular 1951 Session of the Legislature, shall be payable to the employees mentioned in section 1 of this Act. In the event of a general base pay increase for government employees, the rates of compensation in section 1 of this Act shall cease to be effective and, notwithstanding any other law to the contrary, said employees mentioned in said section of this Act shall be governed by the provisions of chapter 3 of the Revised Laws of Hawaii 1945, as amended, and the rates of the classification schedule applying to said employees, including such base pay increase, shall be effective.

Section 4. In determining initially the compensation to be paid employees occupying positions covered by the compensation schedules prescribed herein, the following rules shall govern:

(1) The compensation fixed for each position on June 30, 1951, shall be used as the base for making adjustments provided herein. Adjustment of compensation of any employee promoted or of any person employed after June 30, 1951, shall

be on the basis of the compensation schedule prescribed in this Act.

(2) If the employee was receiving compensation less than the minimum rate for the position which he occupies, the compensation shall be increased to the minimum rate.

(3) If the employee was receiving compensation within the range of salary prescribed for the position at one of the rates fixed therein, no change shall be made in the existing compensation.

(4) If the employee was receiving compensation within the range of salary prescribed for the position but not at one of the rates fixed therein, the compensation shall be increased to the next higher rate.

(5) If the employee was receiving compensation in excess of the range of the salary prescribed for the position, he shall continue to receive such compensation so long as he continues to serve in the position with substantially the same duties and responsibilities; **provided**, however, that notwithstanding the provisions of this section the compensation of no incumbent shall be reduced below the rate being paid him on the effective date of this Act so long as he continues to hold the same position.

(6) If, after the adjustment of compensation of all employees has been made in accordance with subsections (2), (3) and (4) hereof, it is shown that no change has been made in an employee's rate of compensation, or that such employee's adjustment is less than the value of one increment of the salary range prescribed for the position, the compensation of such employee shall be further adjusted by the addition of one increment, to the next higher rate but not higher than the maximum rate.

Section 5. This Act shall take effect July 1, 1951.

(Approved June 13, 1951.) H.B. 1007, Act 317.

§ 6552. Salaries of officers and members of fire department; probationary appointments. Am. L. 1945, Act 263 [A-4]; am. L. 1947, Act 106 [B-121]; am. L. 1949, Act 351 [B-202]; am. L. 1951, Act 317 [B-159].

§ 6553. Rep. L. 1951, Act 317 [B-159].

§ 6555. Rep. L. 1945, Act 263 [A-4].

§ 6559. Returns. Am. L. 1945, Act 236 [B-123], rewritten p. 219.

§ 6563. Certificate, election. Am. L. 1947, Act 131 [B-118], rewritten p. 279.

§ 6564.01. Special elections. NEW, L. 1947, Act 131 [B-118].

§ 6569.01. Disqualification. NEW, L. 1947, Act 131 [B-118].

Series B-160: ACT 205

An Act Amending Chapter 127 of the Revised Laws of Hawaii 1945, as Amended, Relating to the City and County of Honolulu, by Inserting Therein a New Section to Be Numbered 6590.01, Authorizing the Board of Supervisors to Make Temporary Transfers or Loans of Moneys in Excess of the Amounts Necessary for Immediate Requirements to a Bond Loan Fund; Which Fund Is Hereby Created.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 127 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto a new section numbered 6590.01, to read as follows:

"Sec. 6590.01. Temporary transfers or loans by the board authorized; bond loan fund created. In the event there are moneys in the general, special, revolving or other funds of the city and county of Honolulu, which in the controller's judgment are in excess of the amounts necessary for the immediate requirements of the said respective funds, and where in his judgment such action will not impede or hamper the necessary financial operations of the city and county, the board of supervisors is empowered to authorize by resolution adopted on one reading and without publication, temporary transfers or loans therefrom, without interest, to a special fund hereby created to be known as the 'bond loan fund'; **provided,** however, that the pension or retirement funds or funds set aside for redemption of bonds or for the payment of interest thereon, or private trust funds, cannot be so transferred or loaned or used for any of the purposes as set forth in this section. The moneys in said fund shall be expended only for the uses and purposes for which the issuance and sale of bonds have been duly authorized.

Such transfers to the bond loan fund shall not exceed the total sum of unissued authorized bonds of the city and county. The general, special, revolving, or other funds from which such transfers or loans are made, shall be reimbursed by the controller from the bond loan fund or from the proceeds of the bond sales upon the eventual issuance and sale of such bonds. The resolution of the board transferring the moneys to the bond loan fund shall not be regarded as an appropriation from which expenditures may be made." [L. 1951, c. 205, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 28, 1951.) H.B. 522, Act 205.

HONOLULU GOVERNMENT

§ 6591. Fund balances and reserve. AM. L. 1947, Act 166 [B-122]; AM. L. 1949, Act 160 [B-203]. See L. 1949, Act 342 [A-159].

§ 6592. Purchases, etc. Am. L. 1947, Act 18 [A-13], rewritten p. 21.

§ 6594. Warrants. Am. L. 1945, Act 138 [B-135]; am. L. 1947, Act 234 [B-123]. See L. 1947, Act 146 [B-98]; see L. 1949, Act 275 [A-48].

§ 6614. Attorneys, private practice. Am. L. 1945, Act 95 [A-10], rewritten p. 16.

§ 6627. Deputy sheriffs and other employees. Am. L. 1951, Act 266 [C-181], *infra*.

§ 6636. Master plan. Am. L. 1945, Act 7 [B-136]; am. L. 1947, Act 217 [B-124], rewritten p. 283.

§ 6638. Necessity for approval of subdivisions required before registration. AM. L. 1949, Act 222 [B-204]; am. Sp. L. 1949, Act 37 [B-29].

§ 6638.01. Subdivision defined. NEW, L. 1949, Act 222 [B-204].

§ 6639. Regulation governing the subdivision of land. AM. L. 1949, Act 222 [B-204].

§ 6639.01. Approval or disapproval of maps. Procedure. Legal effect of approval of map. Appeal. NEW, L. 1949, Act 222 [B-204].

§ 6640. Permits for installation of service utilities in unapproved subdivisions. AM. L. 1949, Act 222 [B-204].

§ 6640.01. Improvements in unapproved streets. Prohibited acceptance of unapproved streets. NEW, L. 1949, Act 222 [B-204].

§ 6641. Building permits for erection of buildings on unaccepted streets. Injunctions, etc. AM. L. 1949, Act 222 [B-204].

§ 6642. Offer, contract, etc., or sale of subdivision or part before map approved and recorded. AM. L. 1949, Act 222 [B-204]; am. Sp. L. 1949, Act 37 [B-29].

§ 6642.01. Conveyance not to be made by lot or block number, etc., until final map approved and recorded. NEW, L. 1949, Act 222 [B-204]; am. Sp. L. 1949, Act 37 [B-29].

§ 6642.02. Violations. Penalties. Remedies. NEW, L. 1949, Act 222 [B-204].

Chapter 129. HIGHWAYS, IMPROVEMENT BY ASSESSMENT.

§ 6701. Method. Am. L. 1947, Act 211 [B-125]; AM. L. 1949, Act 267 [B-205].

§ 6702. Sanitary sewerage systems. AM. L. 1947, Act 44 [B-126].

§ 6703. Rep. L. 1949, Act 267 [B-205].

§ 6704. Public land or land exempt from taxation, etc. Am. L. 1949, Act 267 [B-205].

§ 6705. Certain costs to be borne by municipality. Am. L. 1947, Act 211 [B-125]; AM. L. 1949, Act 267 [B-205].

§ 6705.01. Water system: costs which board of water supply may assume. NEW, L. 1949, Act 267 [B-205].

§ 6706. Initial procedure. AM. L. 1949, Act 267 [B-205].

§ 6708. Petition of owners. Am. L. 1949, Act 267 [B-205].

- § 6709. Petition by owners of one hundred per centum of frontage or area. Am. L. 1947, J. R. 23.
- § 6710. Determination by supervisors. Am. L. 1947, Act 145 [B-127]; Am. L. 1949, Act 267 [B-205].
- § 6711. Compliance with provisions relating to city planning commission necessary. AM. L. 1949, Act 222 [B-204].
- § 6712.01. Water system; inspection of work by board of water supply; use of system after completion. NEW, L. 1949, Act 267 [B-205].
- § 6725. Payment before maturity. Am. L. 1949, Act 267 [B-205].

Chapter 130. PARKS AND RECREATION.

- § 6760.01. Construction of terms. NEW, L. 1945, Act 237 [B-137].
- §§ 6761-63. Board of public parks and recreation established, etc. AM. L. 1945, Act 237 [B-137].
- §§ 6764-67. General office, rules, reports, etc. Am. L. 1945, Act 237 [B-137].
- § 6768. Parks, recreation and playgrounds in charge of board. AM. L. 1945, Act 237 [B-137]; am. L. 1947, Act 120 [B-128], rewritten pp. 289-90; am. L. 1949, Act 185 [A-32].
- § 6768.01. Waikiki war memorial natatorium. NEW, L. 1949, Act 6 [B-206].
- §§ 6768.02-.03. Waikiki beach patrol. NEW, L. 1949, Act 127 [B-207].
- § 6769. Purchase and sale of public parks and recreational property; contracts. AM. L. 1945, Act 237 [B-137]; am. L. 1949, Act 93 [B-208].
- § 6770. Appointment of employees. AM. L. 1945, Act 237 [B-137].
- § 6771. Gifts. Am. L. 1945, Act 237 [B-137].
- § 6772. Appropriations. AM. L. 1945, Act 237 [B-137], Am. L. 1945, Act 83 [A-111]; AM. L. 1947, Act 120 [B-128].
- § 6773. Disbursement of funds. Am. L. 1945, Act 237 [B-137].

Series B-161: ACT 215

An Act Amending Section 6774 of the Revised Laws of Hawaii 1945, as Amended, Relating to Income from Operation of Parks, Playgrounds and Recreational Facilities.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 6774 of the Revised Laws of Hawaii 1945, as amended, is hereby amended to read as follows:

"Sec. 6774. Income from operation of parks, playgrounds and recreational facilities. The board of public parks and recreation is authorized to lease or rent or grant, to citizens only, concessions in any park or playground areas or improvements that may be deemed by it to be in the

interest of the city. The term of the lease shall not exceed five years, with option to renew for a term not to exceed five years. All revenues derived from concessions shall be deposited in the general fund of the city and county of Honolulu and shall be appropriated by the board of supervisors for the use of the board of public parks and recreation in addition to any other appropriations required by law to be made for said board. Any unexpended balances of such special revenues existing at the end of any fiscal year shall be reappropriated for the use of the board of public parks and recreation during the next succeeding year." [L. 1931, c. 175, pt. of s. 2; R. L. 1935, s. 3234; am. L. 1939, c. 242, s. 6(7); am. L. 1943, c. 74, s. 1; R. L. 1945, s. 6774; am. L. 1945, c. 237, s. 8; am. L. 1951, c. 215, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 28, 1951.) S.B. 544, Act 215.

§ 6775. Political activities prohibited. Am. L. 1945, Act 237 [B-137].

§ 6776. Territorial park system. NEW, L. 1949, Act 185 [A-32].

Chapter 131. HONOLULU POLICE.

§ 6809. Specific duties. Am. L. 1947, Act 139 [B-129], rewritten p. 291.

§ 6810. Service of process. Am. L. 1947, Act 139 [B-129], rewritten p. 291.

§ 6812. Balance of appropriations. AM. L. 1945, Act 91 [B-138].

Chapter 132. WATER SUPPLY, BOARD OF.

§§ 6865-67. Amending subtitles: water resources, artesian wells, etc. Am. L. 1949, Act 3 [B-209].

PART C

Title 19: BUSINESS, ETC., * * * IN COUNTIES.

Chapter 133. COUNTY LICENSES, GENERALLY.

Series C-162: ACT 196

An Act to Amend Chapter 133 of the Revised Laws of Hawaii 1945 by Amending Sections 7019 and 7024 Relating to Public Auctions and by Adding a New Section Relating to Suits to Enjoin Violation of the Law and to Actions for Damages.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 7019** of the Revised Laws of Hawaii 1945 is hereby amended by substituting for the word "may" appearing on the first line of the second paragraph of said section the word "shall".

Section 2. Section 7024 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 7024. Place of public auction room. It shall be unlawful for any licensed auctioneer, for the purpose of selling, or exposing for sale, property other than the property duly listed in the statement filed with the county treasurer, as required by section 7019, to establish a public auction room if a closing-out sale has been conducted on said place, or if property is offered for sale by public auction which has been held for sale on said place, at any time within one year preceding the commencement of such auction, unless sixty days shall have elapsed after the last day on which said closing-out sale has been conducted, or sixty days shall have elapsed after the last day on which an auction sale has been conducted in accordance with the provisions of section 7019, whichever date is the later." [L. 1941, c. 155, s. 1; R. L. 1945, s. 7024; am. L. 1951, c. 196, s. 2.]

Section 3. Chapter 133 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding a new section designated "7024.1" to read as follows:

"Sec. 7024.1 Suit to enjoin violation and action for damages. Any person, firm, private corporation, incorporated or unincorporated trade association, may maintain a suit

to enjoin a continuance of any act in violation of sections 7019 to 7028 inclusive, and, if injured thereby, have recovery of damages. If in any such suit the court shall find that the defendant is violating or has violated any of the provisions of said sections, it shall enjoin the defendant from a continuance thereof. It shall not be necessary that actual damages to the plaintiff or petitioner be alleged or proved in order to obtain the injunction.

No proceeding shall be instituted for an injunction unless or until plaintiff or petitioner has notified the defendant of his intention to file such proceeding, unless the defendant shall cease and desist from continuing to act in violation of any of the provisions of said section, such notice to be given at least twenty-four hours previous to the filing of any action. No injunction shall issue in the event that the defendant shall have ceased violating any provisions of said sections upon the receipt of said notice, but the giving of such notice or the bringing of a suit or action under the provisions of this section shall not prevent the institution or continuance to completion of a prosecution for misdemeanor under the provisions of section 7026, or of a suit under the provisions of section 7029." [L. 1951, c. 196, s. 3.]

Section 4. This Act shall take effect sixty (60) days after its approval.

(Approved May 28, 1951.) S.B. 423, Act 196.

Series C-163: ACT 186

An Act to Amend Section 7031 of the Revised Laws of Hawaii 1945, Relating to Auctioneer's Charges.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 7031 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 7031. [Auctioneer's charges.] Every auctioneer may charge a commission at the rates hereinafter set forth upon all sales and collections made by him; and he may also charge the actual amounts paid by him for advertising the sale of any property sold and any other expenses that may be especially agreed upon between him and the owner of the property to be sold. He may deduct such commissions and expenses from proceeds of any such sales. The rates of commissions shall be as follows:

Upon all sales of personal property, not more than ten per centum.

Upon all sales of real property, not more than five per centum." [L. 1896, c. 64, s. 31; R. L. 1925, s. 1982; R. L. 1935, s. 2429; R. L. 1945, s. 7031; am. L. 1951, c. 186, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 28, 1951.) S.B. 229, Act 186.

§ 7036.01. Minors, etc., games. NEW, L. 1945, Act 36 [C-139].

§ 7037. Fee. AM. L. 1949, Act 15 [C-210].

§ 7038. Regulations; penalty, forfeiture. AM. L. 1949, Act 15 [C-210].

§§ 7054-62. Rep. L. 1951, Act 106 [A-77].

§§ 7064-7070.01. Rep. L. 1949, Act 84 [A-29], Act 348 [A-36].

§§ 7071-72. Rep. L. 1951, Act 53 [A-33].

Series C-164: ACT 146

An Act to Amend Section 7085 of the Revised Laws of Hawaii 1945, Relating to County Licenses for Producing, Processing or Otherwise Preparing Milk Intended For Sale and For Human Consumption.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 7085 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 7085. Fee. The annual fee for a license to produce, process or otherwise prepare milk intended for sale and for human consumption shall be ten dollars; **provided,** however, that any person having no more than two milk cows may sell milk from such cows without a license therefor. Every person hereunder shall comply with all county ordinances and with the rules and regulations of the board of health relating to milk." [L. 1896, c. 64, s. 80; am. L. 1898, c. 57, s. 1; am. L. 1915, c. 45, s. 1; R. L. 1925, s. 2062; R. L. 1935, s. 2482; R. L. 1945, s. 7085; am. L. 1951, c. 146, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 23, 1951.) H.B. 597, Act 146.

Series C-165: ACT 147

An Act To Amend Sections 7117 and 7119 of the Revised Laws of Hawaii 1945, Relating to County Licenses for Solicitors.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 7117** of the Revised Laws of Hawaii 1945 is hereby amended by substituting the words "one thousand" for the words "five hundred" appearing in line 7 thereof.

Section 2. Section 7119 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 7119. Fee. The fee for a license to carry on business as a solicitor shall be as follows:

For a quarterly license, seven dollars and fifty cents; and

For an annual license, twenty-five dollars." [L. 1925, c. 70, pt. of s. 1; R. L. 1935, s. 2515; am. L. 1935, c. 182, s. 2; R. L. 1945, s. 7119; am. L. 1951, c. 147, s. 2.]

Section 3. This Act shall take effect upon its approval.

(Approved May 23, 1951.) **H.B. 610, Act 147.**

Series C-166: ACT 114

An Act Relating to Fees for License to Drive Certain Licensed Vehicles and Amending Section 7131 of the Revised Laws of Hawaii 1945.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 7131** of the Revised Laws of Hawaii 1945 is hereby amended by deleting the last sentence thereof.

Section 2. The amendment effected by section 1 hereof shall not entitle any person to a refund on account of any payment made under the provisions of said section 7131 prior to the effective date of this Act, and all such payments shall be retained and disposed of as if this Act had not been passed.

Section 3. This Act shall take effect upon its approval.

(Approved May 19, 1951.) **H.B. 535, Act 114**

Series C-167: ACT 252

An Act Amending Section 7134 of the Revised Laws of Hawaii 1945, Relating to Drivers' Badges.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 7134** of the Revised Laws of Hawaii 1945 is hereby amended by deleting the second sentence thereof.

Section 2. This Act shall take effect upon its approval.

(Approved May 31, 1951.) H.B. 530, Act 252.

Chapter 135. FIREARMS AND AMMUNITION.**Series C-168: ACT 304**

An Act to Amend Chapter 135, Revised Laws of Hawaii 1945, Relating to Firearms and the Possession, Transfer and Registration Thereof, and Providing Penalties.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 7183** of the Revised Laws of Hawaii 1945, as amended by Act 192 (Series C-211) of the Session Laws of Hawaii 1949, and by Act 24 (Series C-30) of the Special Session Laws of Hawaii 1949, is hereby further amended in the following respects:

(a) By amending the first two paragraphs thereof to read as follows:

"No person shall acquire the ownership of a firearm of any description (other than a rifle or shotgun having a barrel length of eighteen inches or over), whether usable or unusable, serviceable or unserviceable, modern or antique, registered under prior law or by a prior owner or unregistered, either by purchase, gift, inheritance, bequest or in any other manner, whether procured in the territory or imported by mail, express, freight, or otherwise, until he shall first have procured from the chief of police of the county wherein is his place of business, or if there be no place of business, his residence, or if there be neither place of business nor residence, his place of sojourn, a permit to acquire as prescribed herein; **provided**, when title to any such firearm is acquired by inheritance or bequest, the foregoing permit shall be obtained prior to taking possession of same. Further, no person shall keep in his pos-

session any such firearm which is owned by another, irrespective of whether or not said owner has consented to such possession, without a permit from the chief of police of the aforesaid county; **provided**, however, that any pistol or revolver, which is registered under, and in respect of which the owner has fully complied with, this chapter, may be loaned to another even though he be a minor, upon a target range, for a period not longer than to allow such other person to then and there use the same for target shooting, without such a permit.

Each chief of police is authorized to issue permits, within his jurisdiction, to acquire such firearms, to citizens of the United States, of the age of twenty years or more, and to duly accredited official representatives of foreign nations."

(b) By amending the last sentence of the third paragraph thereof to read as follows:

"No person shall transfer the ownership of any such firearm except in accordance with the provisions of this section."

§ 7183. Permits to acquire; registration; penalty. AM. L. 1949, Act 192 [C-211]; am. Sp. L. 1949, Act 24 [C-30].

Section 2. Chapter 135 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto a new section to be numbered and to read as follows:

"Sec. 7183.01. Reports relating to rifles and shotguns; penalty. Any person who shall transfer the ownership or possession of a rifle or shotgun having a barrel length of eighteen inches or over, whether usable or unusable, serviceable or unserviceable, modern or antique, registered under prior law or by a prior owner or unregistered, either by sale, gift, or in any other manner, within the territory, shall, within five days after such transfer, file with the chief of police of the county wherein the transferor resides and also of the county wherein the transferee resides, if different, a report setting forth the names of the transferor and transferee, and their respective places of residence or sojourn, the age of the transferee, the make, style, caliber and the number as applicable of such rifle or shotgun, and setting forth, in respect of such rifle, that the transferee is a citizen of the United States. The form of such report shall be prescribed by the chief of police and shall be signed by both the transferor and transferee. **Provided**, however, that any such rifle or shotgun

may be loaned to another for hunting, target or skeet shooting for a period of not more than thirty days, without making any such report.

No such transfer of any such rifle or shotgun shall be made in any event to any person under the age of twenty years, and no person under the age of twenty years shall possess any such rifle or shotgun, except as provided by section 7184.

Every person who receives such rifle or shotgun by mail, express, freight, or otherwise, from sources without the territory, or who, upon arrival in the territory, brings with him such rifle or shotgun, shall, within five days after such receipt or such arrival, file with the chief of police of the county in which he has his place of residence or sojourn a report setting forth his name and his place of residence or sojourn, his age, the make, style, caliber and the number as applicable of such rifle or shotgun, and setting forth, in respect of such rifle, that he is a citizen of the United States. The form of such report shall be prescribed by the chief of police and shall be signed by such person.

It shall be unlawful for any person to own or possess such rifle, unless he is a citizen of the United States, anything hereinbefore in this section contained to the contrary notwithstanding.

Any person who violates any provision of this section shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year, or by both." [L. 1951, c. 304, s. 2.]

Section 3. Section 7184 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 7184. Possession by licensed hunters and minors.

Any person of the age of sixteen years or over, and any person under the age of sixteen years while accompanied by an adult, who has procured a hunting license under the provisions of sections 7065-7070, inclusive, shall, while actually engaged in hunting or while going to and from the place of hunting, or while actually engaged in target shooting upon a target range, be authorized to carry and use any lawfully acquired rifle or shotgun and suitable ammunition therefor." [L. 1933-4, c. 26, s. 5; R. L. 1935, s. 2543; R. L. 1945, s. 7184; am. L. 1951, c. 304, s. 3.]

Section 4. This Act shall take effect upon its approval, provided, that this Act shall not affect the liability of any person to prosecution and punishment for any criminal offense committed prior to said effective date and all such offenses may

be prosecuted and punished the same as if this Act had not been enacted.

(Approved June 12, 1951.) H.B. 430, Act 304.

Series C-169: ACT 253

An Act Relating to the Ownership or Possession of Firearms or Ammunition by Persons Convicted of Certain Crimes and Providing the Penalty Therefor and Amending Section 7186 of the Revised Laws of Hawaii 1945.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 7186 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 7186. Ownership or possession by person convicted of certain crimes prohibited; penalty. No person who has been convicted in this territory or elsewhere, of having committed or attempted a crime of violence, or of the illegal use, possession or sale of narcotics, shall own or have in his possession or under his control any firearm or ammunition therefor. Any person violating any provision of this section or the preceding section shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or by both." [L. 1933-4, c. 26, pt. of s. 6; R. L. 1935, s. 2545; R. L. 1945, s. 7186; am. L. 1951, c. 253, s. 1.]

Section 2. This Act shall take effect upon its approval; **provided**, that this Act shall not affect the liability of any person to prosecution and punishment for any criminal offense committed prior to said effective date and all such offenses may be prosecuted and punished the same as if this Act had not been enacted.

(Approved May 31, 1951.) H.B. 541, Act 253.

Chapter 137. INTOXICATING LIQUOR.

Series C-170: ACT 223

An Act Amending Chapter 137 of the Revised Laws of Hawaii 1945, as Amended, Relating to Intoxicating Liquor.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 137 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended in the following respects:

1. By amending section 7221,* as amended, by adding thereto the following definitions:

“Addicted to the excessive use of intoxicating liquor’, for the purpose of this chapter, refers to one who has acquired the habit of using intoxicating liquor excessively to deprive him of reasonable self-control, a common drunkard, or a habitual drunkard.

‘Minor’, for the purpose of this chapter, refers to any person below the age of twenty (20) years.”

2. By amending section 7222 by substituting a comma for a period at the end of the first and second paragraphs and adding the following phrase to the end of each paragraph thereof:

“except as otherwise provided in this chapter.”

3. By amending section 7225 by substituting the phrase “by any other two members” for the phrase “by the other two members” as found in the first sentence of said section.

4. By amending section 7244, as amended, by adding thereto a new sentence at the beginning of the first paragraph, reading as follows:

“No license shall be transferable or be transferred within one year of its original issuance, except for good cause shown to the satisfaction of the commission.”

and by substituting the phrase “not less than fourteen days after one publication of notice thereof” for the phrase “upon a published notice hereof” after the word “commission” in the first sentence of said section prior to the above amendment.

* § 7221. Definitions. Am. L. 1945, Act 144 [C-140].

§ 7231.01. Fair trade contracts; rules and regulations, enforcement. NEW, L. 1949, Act 301 [C-212].

§ 7232. Licenses, classes. Am. L. 1947, Act 148 [C-130].

§ 7236. Special conditions, retail dealers’ licenses. Am. L. 1949, Act 301 [C-212], rewritten p. 461.

§ 7244. Transfer of licenses; penalty. AM. L. 1949, Act 301 [C-212]; am. L. 1951, Act 223 [C-170].

5. By repealing subsection 5 of section 7245, as amended.
6. By adding thereto, after section 7245, a new section to be numbered section 7245.01, and to read as follows:

"Sec. 7245.01. Price posting. (a) Liquor price posting. Each manufacturer, rectifier and wholesaler selling or distributing liquor within the territory shall file with the commission, in such form as the commission may prescribe, a written schedule of selling prices charged and discounts offered by such person for liquor sold, or distributed, by such person to licensees within the territory.

Amendments to such price schedules shall be filed by the licensee on or before the fifteenth day of the month prior to which they are to go into effect and shall become effective on the first day of the calendar month following the filing thereof. Any licensee can meet competitive prices or discounts, on similar liquor, by amending his effective price schedule to lower his price or prices, or to increase his discounts, to not less than the price filed in any price schedule filed or in effect for such similar items, and such amended competitive prices shall become effective the same time the competitive prices for similar items shall become effective, or immediately, if such competitive price schedule is already in effect.

(b) Selling at other than posted price. No such licensee shall advertise, offer for sale, or sell liquor at a price other than the price filed in any price schedule in effect." [L. 1951, c. 223, s. 1(6).]

7. By adding thereto a new section to be designated section 7250.01 and providing as follows:

"Sec. 7250.01. Filing fees with application. A filing fee in the sum of \$25.00 shall be paid with any application for an initial issuance of a license or for a transfer of a license, **provided**, however, that a filing fee is not required with an application for a license or transfer of a license of the following classes and kinds: (a) manufacturer of wine from grapes or other fruits grown in the territory; (b) manufacturer of alcohol; (c) agent; (d) retail alcohol; (e) vessel; (f) additional vessel; or (g) special.

Where a license is granted, the filing fee deposited with the application shall become part payment of the fee required for such license as provided in section 7233. Where an application is denied or withdrawn, the filing fee paid shall become a realization of the county." [L. 1951, c. 223, s. 1(7).]

§ 7245. **Manufacturers and wholesale dealers, special restrictions.** Am. L. 1949, Act 301 [C-212]; am. L. 1951, Act 223 [C-170].

§ 7246. Advertising upon licensed premises. AM. L. 1949, Act 301 [C-212].

§ 7252 (9). Report by inspector. Am: L. 1945, Act 217 [C-141]. (9) repealed.

8. By amending section 7256 by adding to the end of said section the following sentence:

"In any other case where an application is refused, no other application by the same person at the same location shall be accepted and considered until a period of ninety days has elapsed from the date of such refusal."

9. By amending section 7266, subsection 1 (c) (3) by adding the phrase "to the licensee" after the word "known".

10. By repealing section 7273.

11. By amending section 7274 to read as follows:

"Sec. 7274. Prize, gift, premium and other inducement.

It shall be unlawful for any person to offer or give any intoxicating liquor as a prize at any store, shooting gallery, theater, carnival, circus, bazaar, game, or entertainment, or at any public amusement or other public place or any public gathering.

It shall be unlawful for any licensee directly or indirectly, or through any subsidiary or affiliate, to give any premium or free goods of intoxicating liquor or other merchandise in connection with the sale of any intoxicating liquor; or to give any premium or free goods of intoxicating liquor in connection with the sale of other merchandise." [L. 1937, c. 211, c. 20; R. L. 1945, s. 7274; am. L. 1951, c. 223, s. 1 (11).]

12. By amending section 7281 to read as follows:

"Sec. 7281. When sale without license authorized. In case a license is revoked or cancelled, the licensee may with the permission of and upon the conditions set by the liquor commission sell intoxicating liquors then in his possession within sixty days, or within such additional time allowed by the commission, unless under this chapter the same be seized or forfeited.

Any bank, trust company or financial institution owning or possessing intoxicating liquor which was acquired by such bank, trust company or financial institution in the ordinary course of its business, may sell the intoxicating liquor with the permission of and upon conditions set by the liquor commission.

Any person acting as administrator, executor, or guardian of a licensee's estate, or any receiver, assignee for benefit of creditors, trustee in bankruptcy, may sell the stock of intoxicating liquor with the permission of and upon conditions

set by the liquor commission, except as otherwise provided in this chapter.

Any insurance company, or any common carrier acting as an insurer for losses to persons shipping intoxicating liquor, may take possession of and sell the intoxicating liquor, the containers of which have been damaged by fire or otherwise, with the permission of and upon conditions set by the liquor commission.

Any person in possession of a stock of lawfully acquired intoxicating liquor under a foreclosure proceeding, proceedings for enforcement of a lien, civil execution or under any other proceeding or process, may sell such intoxicating liquor with the permission of and upon conditions set by the liquor commission." [L. 1933-4, c. 40, s. 60; R. L. 1935, s. 2629; R. L. 1945, s. 7281; am. L. 1951, c. 223, s. 1(12).]

Section 2. All provisions of law in conflict with this Act are superseded by the provisions hereof to the extent of such conflict.

Section 3. This Act shall take effect upon its approval.

(Approved May 28, 1951.) H.B. 560, Act 223.

§ 7271. Payment to be made. AM. L. 1947, Act 148 [C-130].

§ 7275. Revocation or suspension of license; hearing. Am. L. 1949, Act 314 [C-213].

Series C-171: ACT 280

An Act Relating to Appeals From Liquor Commissions; Amending Section 7276 of the Revised Laws of Hawaii 1945.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 7276 of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"Sec. 7276. Appeals to circuit judge. An appeal may be taken from any order assessing, or providing for the collection of, a penalty or from any order suspending or revoking any license by any licensee aggrieved thereby to a circuit judge at chambers of the circuit court of the circuit in which the commission making such order has jurisdiction by filing his appeal in such court within ten days of the date of the order assessing a penalty or suspending or revoking a license; **provided**, however, that except in the case of assessing a penalty, the appeal shall not operate as a

stay of the order appealed from. The appeal shall be subject to such procedure and rules as may be prescribed by the court, and the decision of the judge shall be final." [Sp. L. 1941, c. 41, s. 1; R. L. 1945, s. 7276; am. L. 1951, c. 280, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved June 9, 1951.) S.B. 266, Act 280.

§ 7281. When sale without license authorized. AM. L. 1951, Act 223 [C-170], *supra*.

§ 7281.01. Liquor consumption prohibited, when. NEW, L. 1949, Act 147 [C-214].

Chapter 138. MOTOR VEHICLES: * * * LICENSES.

PART I: CHAUFFEURS, DRIVERS, ETC.

Series C-172: ACT 168

An Act to Amend Chapter 138 of the Revised Laws of Hawaii 1945, as amended, Relating to the Registration of Vehicles.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 138 of the Revised Laws of Hawaii 1945, as amended, is hereby amended:

(a) By adding to the end of **section 7301** thereof the following:

"**'State'**. Any state, territory or possession of the United States of America including the District of Columbia.

'County'. Any county of the Territory of Hawaii.

'Title state or county' shall mean any state or county which issues certificates of title and registration upon which are noted liens and other encumbrances." [L. 1937, c. 234, s. 1; am. L. 1939, c. 104, s. 7; am. L. 1943, c. 62, s. 21 and c. 64, s. 22; R. L. 1945, s. 7301; am. L. 1951, c. 168, s. 1(a).]

(b) By amending the title to **section 7336** thereof to read as follows:

"Application for registration; full faith and credit to current certificates; this part not applicable to certain equipment."

(c) By adding to the third paragraph of **section 7336** thereof the following:

"The treasurer shall grant full faith and credit to the currently valid certificates of title and registration describing such vehicle, the ownership thereof, and any liens noted thereon, issued by any title state or county in which the vehicle was last registered. The acceptance by the treasurer

of a certificate of title or of registration issued by another state or county, as hereinabove provided, in the absence of knowledge that said certificate is forged, fraudulent or void, shall be a sufficient determination of the genuineness and regularity of such certificate and of the truth of the recitals therein, and no liability shall be incurred by any officer or employee of the treasurer by reason of so accepting such certificate."

(d) By amending section 7340.01 to read as follows:

"Sec. 7340.01. Registration of vehicle located outside territory; correction of errors; fee for correcting errors. The treasurer shall not accept an application for registration of any vehicle under this part unless the vehicle at the time of application is within the territory. However, the treasurer shall accept and grant an application and issue number plates for a new unlicensed vehicle which is not within the territory when the application is accompanied by an affidavit signed by the seller, who shall be a person licensed to sell new motor vehicles under chapter 139, giving the name and local address of the seller and the purchaser and a description of the vehicle, including a statement of the weight thereof, and, when the engine and factory numbers of such new vehicle is not available, a statement of such fact, and also by an affidavit of the purchaser giving his name, his local address and permanent residence and the name of the seller, a full description of the vehicle and a statement that the consumption tax payable thereon has been paid or that the same will be paid within sixty days of the arrival of said vehicle in the territory. One copy of said application when granted shall be furnished by the treasurer to the tax commissioner. In a case where the engine and factory numbers of such new vehicle were not available at the time of such application, the dealer shall certify to the engine and factory numbers thereof upon receipt of such numbers from the factory or manufacturer, which certificate the treasurer shall enter in his registration records. Within sixty days after arrival in the territory of any such vehicle, unless the same shall have been shown in the application or subsequent certification, the dealer shall furnish to the treasurer a certificate of the dealer, identifying the vehicle by the engine and factory numbers or other description, and evidence of arrival in the territory of any such vehicle, which information the treasurer shall enter in his registration records.

In the event that the engine and factory numbers of said vehicle, as given in the dealer's certificate of such engine

and factory numbers, shall prove to be erroneous after the arrival of said vehicle in the territory, on account of error in the information received by the dealer from the factory or manufacturer, or for any other reason, the dealer shall notify the treasurer of such error by a certificate of the dealer stating the reason for and nature of the error and the correction which should be made in the registration records; and upon receipt of said dealer's certificate by the treasurer, the registration records shall be corrected accordingly. A fee of \$1.00 shall be paid by the dealer and collected by the treasurer for each such correction of the registration records." [L. 1949, c. 167, s. 1; am. L. 1951, c. 168, s. 1(d).]

Section 2. This Act shall take effect upon its approval.

(Approved May 26, 1951.) H.B.816, Act 168.

§ 7303. What persons are exempt from license. Am. Sp. L. 1949, Act 19 [C-32].

§ 7304 (8). Minors. Am. L. 1947, Act 38 [C-131], rewritten p. 294.

Series C-173: ACT 254

An Act Relating to Chauffeurs and Operators
of Motor Vehicles and Amending Section 7305 of the
Revised Laws of Hawaii 1945, as Amended.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 7305* of the Revised Laws of Hawaii 1945, as amended by Act 110 (Series C-142) of the Session Laws of Hawaii 1945, is hereby further amended by amending subsection 1 thereof to read as follows:

"1. No person who is under the age of twenty years shall drive any motor vehicle while in use as a school bus nor any motor vehicle while in use as a common or public carrier of persons and no person who is under the age of eighteen years shall drive any motor vehicle while in use in the transportation of property for hire. In addition thereto such person must be licensed as a chauffeur and shall have received a chauffeur's license. Notwithstanding paragraph 2 of section 7304, a special chauffeur's license for persons of the age of at least eighteen may be issued solely for the operation of a motor vehicle used in the transportation of property for hire."

Section 2. This Act shall take effect on July 1, 1951.

(Approved May 31, 1951.) H.B. 655, Act 254.

* § 7305. School busses. Am. L. 1945, Act 110 [C-142].

Series C-174: ACT 313

An Act to Amend Section 7313 of the Revised Laws of Hawaii 1945, Relating to Chauffeur's and Operator's Licenses.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 7313* of the Revised Laws of Hawaii 1945, as amended by Act 35 (Series A-31) of the Special Session Laws of Hawaii 1949, is hereby further amended by amending the first sentence thereof to read as follows:

"The examiner of chauffeurs shall, upon payment of the required fee, issue to every applicant qualifying therefor an operator's license as applied for, stating thereon any restrictive provision to which the license issued is subject; **provided**, however, that every operator's license for motor scooters whether heretofore or hereafter issued shall be valid only for the purpose of operating motor scooters."

Section 2. This Act shall take effect on January 1, 1952.

(Approved June 13, 1951) H.B. 348, Act 313.

* § 7313. General provisions governing the issue of licenses to operators and chauffeurs. Am. Sp. L. 1949, Act 35 [C-31].

§ 7319.01. Authority of examiner of chauffeurs to suspend or revoke licenses. NEW, Sp. L. 1949, Act 19 [C-32].

Series C-175: ACT 206

An Act Relating to Records of Convictions of Traffic Violations and Amending Section 7322 of the Revised Laws of Hawaii 1945.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 7322 of the Revised Laws of Hawaii 1945 is hereby amended by inserting between the second and third paragraphs thereof the following:

"Every court of competent jurisdiction shall forward to the examiner of chauffeurs of each county a record of the conviction of any person in such court for a violation of any traffic law or regulation of the Territory or any political subdivision thereof in cases in which the license of such person was revoked or suspended in connection with such conviction."

Section 2. This Act shall take effect on July 1, 1951.

(Approved May 28, 1951.) H.B. 561, Act 206.

§ 7336. Application for registration; this part not applicable to certain equipment. Am. L. 1951, Act 168 [C-172], *supra*.

§ 7337. County treasurer's duties. Am. L. 1949, Act 162 [C-215].

§ 7339.01. Tax lien and encumbrance record. NEW, L. 1949, Act 164 [C-216].

§ 7340 (3). Certificate of registration; certificate of ownership. Am. L. 1949, Act 166 [C-217].

§ 7340.01. Original registration of new vehicle located outside Territory. NEW, L. 1949, Act 167 [C-218]; AM. L. 1951, Act 168 [C-172], *supra*.

§ 7341. Registration; expense. Am. L. 1951, Act 162 [A-126], *supra*.

§ 7342. Procedure when title of vehicle transferred; delivery of certificate mandatory. Am. L. 1949, Act 188 [C-219].

§ 7343. Dealers in motor vehicles. Am. L. 1949, Act 162 [C-215].

§ 7347. Unlawful removal of motor vehicles from county. Am. L. 1951, Act 162 [A-126], *supra*.

APPEALS.

Series C-176: ACT 237

An Act Providing for Appeals From Decisions
of a County Treasurer in Cases Involving Registration
of Motor Vehicles.

Be it Enacted by the Legislature of the Territory of Hawaii:

[Sec. 7349.] Section 1. [Appeal from treasurer's decision.]
Whenever any person shall be aggrieved by any decision of any county treasurer under Part II of chapter 138 of the Revised Laws of Hawaii 1945, as the same may be amended from time to time, such person may appeal from the decision of such treasurer to the district court of the district in which the county seat of such county is situated, by filing with such court, within twenty days after such decision, or within such additional time as may have been consented to in writing by such treasurer, an informal notice of appeal setting forth the name of the appellant, the circumstances attending such decision, a general statement as to the ruling appealed from, the date of such decision, and a description of the motor vehicle involved, with the serial or motor number or both, if available. A copy of such notice shall be served upon, or mailed, postage prepaid, by registered mail with request for return receipt, to such treasurer within two days after the date of such filing with such court. Informalities in such notice shall not invalidate the same, and the same may be amended for good cause shown to the satisfaction of the court. [L. 1951, c. 237, s. 1.]

[Sec. 7350.] Section 2. [Same; procedure.] Upon such appeal, the district magistrate shall hold a hearing de novo, and shall have power to enter such judgment or order as in his reasonable judgment may be warranted by all of the circumstances. In making such judgment or order, the court shall have power to waive defects or irregularities in the current or previous registrations which, in its opinion, have been satisfactorily explained on the part of the appellant, or to order registration of the vehicle subject to reasonable conditions to be then or thereafter, within a reasonable time fixed by the court, complied with by the appellant, upon noncompliance with which conditions the treasurer may cancel such registration. Such conditions may include the furnishing of a bond in a reasonable amount, to be fixed by the court, to insure compliance with other conditions or to indemnify the treasurer and any other person in the event it be thereafter held or found that such registration was wrongful. Any certificate of registration issued subject to any such condition shall bear thereon an appropriate notation referring to such condition or the words "conditional registration". A copy of the court's order as to such conditional registration shall be served upon the treasurer and retained in the file relating to the registration, and shall constitute notice to the world of the condition therein stated, provided the certificate of registration contains a notation of such conditional registration as hereinabove provided. [L. 1951, c. 237, s. 2.]

[Sec. 7351.] Section 3. [Rules of procedure; costs.] The supreme court of the Territory shall have power to prescribe rules of procedure relating to such appeals and hearings before such district courts, and appeals from the judgments or orders of such courts under this Act, as hereinafter provided. An appeal shall lie from the judgment or order of such district court to the circuit and supreme courts, and from the circuit to the supreme court, as provided by law, but upon questions of law only. Such rules shall provide for informal procedure and for minimizing expense and delay to litigants therein. The costs upon such appeal to the district court shall be one dollar, which may be waived by the court for good cause shown. No costs shall be chargeable against the county treasurer. [L. 1951, c. 237, s. 3.]

Section 4. This Act shall take effect ten days after its promulgation pursuant to section 2 of the Revised Laws of Hawaii 1945.

(Approved May 28, 1951.) S.B. 558, Act 237.

Chapter 139. MOTOR VEHICLES: LICENSES TO DEALERS AND SALESMEN.

Series C-177: ACT 90

An Act to Amend Chapter 139, Revised Laws of Hawaii 1945, as Amended, Providing for the Regulation of Licenses to Dealers and Salesmen of Motor Vehicles, to Repose the Function of Licensing in a Motor Vehicle Dealers' and Salesmen's Licensing Board, to Provide Rules Regulating the Licensing and Renewals of Licenses to Motor Vehicle Dealers and Salesmen and Motor Vehicle Retail Installment Contracts, and to Provide Penalties for Violations Thereof.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 139, Revised Laws of Hawaii 1945, as amended, is hereby amended to read as follows:

"Sec. 7361. Definitions. This chapter shall be known and may be cited as the 'Automobile Dealers' and Salesmen's Licensing Act'. As used in this chapter.

'Persons' includes individuals, firms, copartnerships, associations, corporations and all combinations of individuals of whatsoever form and character.

'Treasurer' means the treasurer of each county.

'Motor vehicle' includes any vehicle, motor vehicle or truck as defined in sections 5704-5705, with the exception of motor scooters, motorcycles, tractors, and trailers.

'New motor vehicle' means any motor vehicle which has been titled thirty days or less in other than its manufacturer's or licensed new motor vehicle dealer's name and has not been driven more than five hundred miles.

'Used motor vehicle' means a motor vehicle other than a new motor vehicle.

'Business' includes any activities engaged in by any person or caused to be engaged in by him for the object of gain, benefit or advantage either direct or indirect.

'Engaging in business' means commencing, conducting or continuing in business as well as liquidating a business when the liquidator thereof holds himself out to be conducting such business. However, making a casual or isolated sale is not engaging in business, but the sale by any person during the period of one year or more than three motor vehicles (except as an incident to the established business of a seller) shall be presumptive evidence that the seller

is engaging in the business of selling motor vehicles at retail.

'Retail sale' or 'sale at retail' shall mean the act or attempted act of selling, bartering or exchanging or otherwise disposing of a motor vehicle to a person for use as a consumer. Other forms of the same expression shall have the same meaning expressed in appropriate form.

'Retail installment contract' includes any contract in the form of a note, chattel mortgage, conditional sales contract, lease, agreement or otherwise payable in one or more installments over a period of time and arising out of the retail sale of a motor vehicle.

'Board' shall mean the motor vehicle dealers' and salesmen's licensing board, defined and created by this chapter.

'Dealer' includes all persons as hereinbefore defined, regularly engaged in the business of selling, displaying, offering for sale or dealing in motor vehicles at an established place of business which is used primarily for the purpose of selling, displaying, offering for sale or dealing in motor vehicles. For the purpose of this definition, a place of business which is used for selling, displaying, offering for sale or dealing in motor vehicles shall be deemed to be used for these purposes even though there is maintained at such place of business repair, accessory, gasoline and oil, storage, parts, service or paint department.

'Salesman' includes any person as hereinbefore defined who for a commission, compensation or other valuable consideration is employed by a dealer to sell, display and offer for sale or deal in motor vehicles; **provided** that, in the city and county of Honolulu, 'salesman' shall mean any such person who is so employed as his principal occupation.

Neither of the terms 'dealer' or 'salesman' hereinbefore defined includes public officers who are performing their official duties. [L. 1939, c. 258, s. 1; am. L. 1941, c. 315, pt. of s. 1; R. L. 1945, s. 7361; am. L. 1949, c. 220, s. 1; c. 221, s. 1.]

Sec. 7362. Unlicensed persons not to engage in business. No person other than a salesman or dealer licensed according to the provisions of this chapter shall engage in the business of selling motor vehicles at retail within this territory. No used car dealer shall bring or cause to be brought into the territory for purposes of sale any new motor vehicle which has not been titled in other than its manufacturer's or licensed new motor vehicle dealer's name. [L. 1939, c. 258, s. 2; R. L. 1945, s. 7362; am. L. 1951, c. 90, pt. of s. 1.]

Sec. 7363. County boards. There shall be appointed for each county in the manner prescribed by section 80 of the Organic Act, a board to be known as the 'Motor Vehicle Dealers' and Salesmen's Licensing Board' consisting of five members for the city and county of Honolulu, and three members for each of the other counties. The members shall be appointed by the governor, and each of such members shall have been engaged in the business of selling motor vehicles at retail in the territory for a period of at least five years and shall have been continuously engaged in such business for a period of two years immediately preceding the date of his appointment. For the city and county of Honolulu, two of the members to be appointed shall be, or shall have been, engaged as dealers primarily in the sale of new motor vehicles, two of the members to be appointed shall be, or shall have been, engaged primarily in the sale of used motor vehicles, and one of the members to be appointed shall be solely and exclusively engaged as a salesman of new or used motor vehicles. For the counties other than the city and county of Honolulu, two of the members shall be, or shall have been engaged primarily as new motor vehicle dealers, and one of the members shall be solely and exclusively engaged as a salesman, as aforesaid. The term of office of the members of the board shall be two years. Immediately upon the appointment and qualification of the original members, and annually thereafter, the board shall organize by selecting from its members a chairman. The members of the board shall serve without compensation. [L. 1939, c. 258, s. 9; R. L. 1945, s. 7363; am. L. 1951, c. 90, pt. of s. 1.]

Sec. 7364. Secretary, assistants, and directors. The board may appoint and at pleasure remove a secretary and such other assistants as its business may from time to time require and may prescribe their duties and fix their compensation.

The board may publish, or cause to be published, each year a directory or list of licensed dealers and salesmen, and may publish therewith such matter as it may deem pertinent to the law and shall mail one copy of such directory to such licensed dealers and salesmen without charge. [L. 1939, c. 258, s. 10; R. L. 1945, s. 7364; am. L. 1951, c. 90, pt. of s. 1.]

Sec. 7365. Rules and regulations; witnesses, fees, etc. The board may from time to time make, amend and repeal such rules and regulations, not inconsistent with this chapter, as the board shall deem appropriate for the carrying out of

the provisions and purposes of this chapter, and the efficient administration thereof. The board may hear testimony in matters relating to the duties imposed upon it by law, and the chairman and secretary of the board may administer oaths. The board may require proof it may deem advisable and shall have power to require the attendance of such witnesses and the production of such books, records and papers as it may desire at any hearing before it or relating to any matter which it has authority to investigate and for that purpose may, through its secretary, issue a subpoena for any witness or a subpoena duces tecum for the production of any books, records and papers directed to any sheriff or police officer of the county where such witness resides or is found which shall be served and returned in the same manner as a subpoena issued out of a circuit court is served and returned.

The fees and mileage of witnesses shall be the same as that allowed in the circuit courts and shall be paid in the same manner as other expenses of the board.

Depositions of witnesses residing within or without the territory may be taken by the board in the manner prescribed by law for like depositions in civil actions. In any case of disobedience to, or neglect of any such subpoena served on any person, or the refusal of any witness to testify to any matter regarding which he may lawfully be interrogated by the board, any circuit judge of any judicial circuit wherein such disobedience, neglect, or refusal occurs, on application of the secretary of the board may compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein. [L. 1939, c. 258, s. 12; R. L. 1945, s. 7365; am. L. 1951, c. 90, pt. of s. 1.]

Sec. 7366. Board funds; payment of expenses; disposition of realizations. There is created in the treasury of each county a special fund to be known as the 'Motor Vehicle Dealers' and Salesmen's Licensing Board Fund' into which shall be paid all fees and other moneys collected or received by the board under the provisions of this chapter. All expenses of the board, incurred under the provisions of this chapter, shall be paid out of such fund upon vouchers approved by the board, signed by the chairman and countersigned by the secretary. The board of supervisors of each county is directed to advance to the board from the general fund of the county such moneys as may be necessary to meet all of its expenses until such time as it shall be in receipt of sufficient funds for such purpose. The general fund

shall be reimbursed out of the fees received by the board under this chapter. The board shall annually authorize the payment by the treasurer into the road fund of any moneys in the motor vehicle dealers' and salesmen's licensing board fund which the board shall deem to be in excess of its requirements, taking into consideration estimated future receipts and expenditures. The boards of supervisors of the several counties, at the request of the respective licensing boards, shall appropriate any moneys so paid into the road fund for the use of the respective county treasurers for the employment of additional temporary clerks and other assistants in order to facilitate the prompt completion of all motor vehicle registrations under the provisions of Part II of chapter 138. [L. 1939, c. 258, s. 22; am. L. 1941, c. 315, pt. of s. 1; R. L. 1945, s. 7366; am. L. 1951, c. 90, pt. of s. 1.]

LICENSES

Sec. 7367. Dealers, application. No dealer as herein defined shall engage in the business of selling at retail motor vehicles in this territory or assume to engage in such business without first having a license therefor, excepting that in the case of the dissolution of a partnership by death the surviving partner or partners may operate under the license for a period of sixty days and the executors or administrators of deceased persons and receivers or trustees in bankruptcy appointed by any competent authority may operate under the license of the person so succeeded in possession by such executor, administrator, receiver or trustee in bankruptcy.

Each dealer applying for a license shall annually, prior to the expiration of his license, make out and deliver to the board upon a blank to be furnished by the board for that purpose a separate application for license for each county in which such business is to be conducted. The application shall be in writing, in the form prescribed by the board and shall be signed and verified by the oath of the applicant, or in the case of a corporation or unincorporated association, by the proper officers thereof, or, if a partnership, by a majority of the members thereof.

Each new application, in addition to such other information as may be required by the board with the approval of the board shall include the following:

1. Name of applicant and location of principal place of business;
2. Name or style under which business is to be conducted;

3. Name and address of each owner, or partner, and, if a corporation, the names of the officers and directors;

4. The address of each place of business at which the business is to be conducted;

5. If new motor vehicles are to be sold, the make, or makes, to be handled;

6. A statement of the previous history, record and association of the applicant and of each owner, partner, officer and director, which statement shall be sufficient to establish to the satisfaction of the board the reputation in business of the applicant;

7. A statement showing whether or not the applicant has previously applied for a license under this chapter and the result of such application, and whether or not the applicant has ever been the holder of such a license which was revoked or suspended;

8. If the applicant is a corporation or co-partnership, a statement showing whether or not any of the partners, employees, officers or directors have been refused such a license, or have been the holder of such a license which was revoked or suspended;

9. If the applicant is to engage in the business of selling new motor vehicles, such written evidence, in the form of an affidavit or otherwise, as will satisfy the board that the applicant is or will be duly authorized by the manufacturer, or authorized distributor of such motor vehicles to act as a distributor of or dealer in such motor vehicles in the county in which such application is filed.

Prior to the expiration of a license, in lieu of an application for any annual renewal of a license as required herein, the board may accept a verified certificate signed by the licensee showing that there has been no change since the last filing of an application in respect to (1) personnel of owners, partners, officers or directors, and (2) location of offices, or licensee by a manufacturer, or distributor, to act as distributor of, or dealer in, new motor vehicles within the territory, and further certifying that no proceeding is pending for the suspension or revocation of the dealer's license. [L. 1939, c. 258, s. 3; R. L. 1945, s. 7367; am. L. 1949, c. 165, s. 1; am. L. 1951, c. 90, pt. of s. 1.]

Sec. 7368. Dealers: What persons shall not be licensed.

The board shall deny the application of any person for a license as a motor vehicle dealer and refuse to issue him a license as such if the board finds that such applicant (1) has intentionally made a false statement of a material fact

in his application, or (2) has not complied with the provisions of this chapter or with any rule or regulation of the board issued hereunder, or (3) is engaged, or will engage, in the business of selling at retail any new motor vehicles without having authority of a contract with a manufacturer, or distributor, thereof, or (4) has been guilty of a fraudulent act in connection with selling or otherwise dealing in motor vehicles, or (5) has entered into, or is about to enter into, a contract, or agreement, with a manufacturer, or distributor of motor vehicles which is contrary to any provision of this chapter, or (6) is insolvent, or (7) has no established place of business which is used, or will be used, for the purpose of selling, displaying, and offering for sale or dealing in motor vehicles.

In case the applicant is a corporation, or co-partnership, the board may refuse to issue a license if any officer, director, employee, or partner of the applicant has been guilty of any act, or omission, which would be cause for refusing or revoking a license issued to such officer, director, employee, or partner as an individual. The board's finding may be based on facts contained in the application, or any other information which it may have. [L. 1939, c. 258, s. 4; R. L. 1945, s. 7367; am. L. 1951, c. 90, pt. of s. 1.]

Sec. 7368.01 (a) Bond of dealers. Each dealer receiving a license shall give and keep in force a bond to the board in the penal sum of \$3,000.00 if the license is for the city and county of Honolulu, and \$1,000.00 if the license is for any other county, with good and sufficient surety or sureties to be approved by the board conditioned:

1. That he will faithfully and truly comply with the provisions of this chapter as the same now is or may hereafter be amended.

2. That he will not be guilty of fraud in connection with the selling or otherwise dealing with motor vehicles or any other property related thereto.

3. That he will protect the treasurer and any purchasers of any vehicle or any person acquiring any lien thereon or successor interest of any said person against any loss on account of any defect in or undisclosed encumbrance upon the title of any motor vehicle, registered by the treasurer in reliance upon any certificate, affidavit or other representation of the dealer or registration or transfer of registration procured by the dealer.

(b) Suit on bond. The board or the treasurer, or, by the written consent by the board any person who has been or

claims to have been injured by the breach of said conditions shall have a right of action to recover on any such bond, plus a reasonable attorney's fee, to be allowed by the court, incurred to procure the recovery under said bond, but the aggregate liability of the surety or sureties to all such persons shall in no event exceed the amount of the bond. [L. 1949, c. 171, s. 1; am. L. 1951, c. 90, pt. of s. 1.]

Sec. 7369. Salesmen's license, application. No salesman, as herein defined, shall engage in the business of selling at retail motor vehicles in this territory or assume to engage in such business without first having a license therefore issued under this chapter.

Each salesman shall, prior to the expiration of his license, make out and deliver to the board upon a blank to be furnished by the board for that purpose an application for license. The application shall be in writing, in the form prescribed by the board, and shall be signed and verified by oath of the applicant.

The application shall contain such information as required by the board, and shall contain the following:

1. Name and post office address of applicant;
2. Name and post office address of the motor vehicle dealer for whom the applicant intends to act as salesman;
3. Statement of applicant's previous history, record and association, which statement shall be sufficient to establish the applicant's business reputation;
4. Statement as to whether or not the applicant intends to engage in any occupation, or business, other than that of a motor vehicle salesman;
5. Statement as to whether or not the applicant has ever had any previous application refused, or whether or not he has previously had a license revoked or suspended;
6. Statement as to whether or not the applicant was an employee of, or salesman for, a dealer whose license was suspended or revoked;
7. Statement of the motor vehicle dealer named therein, designating the applicant as his salesman. [L. 1939, c. 258, s. 5; R. L. 1945, s. 7369; am. L. 1951, c. 90, pt. of s. 1.]

Sec. 7370. Salesmen, what persons shall not be licensed. The board shall deny the application of any person for a license as a salesman, and refuse to issue such license if it finds that such applicant: (1) has made any false statement of a material fact in his application, (2) has not complied with the provisions of this chapter or with any rule

or regulation of the board issued hereunder, or (3) has been guilty of any fraudulent act in connection with the business of selling motor vehicles, or (4) has not been designated to act as salesman for a motor vehicle dealer duly licensed to do business in this territory under the provisions of this chapter, or intends to act as salesman for more than one licensed motor vehicle dealer at one time.

The board may refuse to issue a salesman's license to an applicant who was a salesman for, or in the employ of, a motor vehicle dealer at the time such dealer's license was revoked. The board's finding may be based on any statement contained in the application or any facts within its knowledge. [L. 1939, c. 258, s. 6; R. L. 1945, s. 7370; am. L. 1951, c. 90, pt. of s. 1.]

Sec. 7371. Licenses; forms, fees, expiration, exhibiting; not transferable; reports to treasurer. The board, shall prescribe the forms for licenses of automobile dealers and automobile salesmen and shall issue such license at the time it grants an application therefor. All licenses shall include the name and post office address of the person licensed.

The annual fee for a dealer's license in the city and county of Honolulu shall be two hundred dollars for dealers engaged in the sale of new and used motor vehicles and fifty dollars for dealers engaged exclusively in the sale of used motor vehicles, and the annual fee for a salesman's license in said city and county shall be five dollars. The annual fee for a dealer's license in each of the other counties of Hawaii, Maui and Kauai shall be twenty-five dollars for dealers engaged in the sale of new and used motor vehicles, and twelve dollars and fifty cents for dealers engaged exclusively in the sale of used motor vehicles; and the annual fee for a salesman's license in said counties shall be two dollars. In all cases the fee shall accompany the application for license.

Dealers' and salesmen's licenses shall expire on the 30th day of June of the year in which they are issued unless sooner suspended or revoked. If a new license is issued after the commencement of the fiscal year, the license fee payable for a dealer's license shall be for only the portion of the year for which it is issued, and for a salesman's license shall be for the entire fiscal year. A salesman's license shall expire upon termination of the license of the motor vehicle dealer for whom he is acting, or upon his leaving the service of such motor vehicle dealer; **provided**, however, that in any such case, a new license may be issued upon

payment of a fee of twenty-five cents which new license shall continue in force for the unexpired term of the original license, unless sooner suspended or revoked.

No license issued under this chapter shall be transferable. Each dealer shall keep a license or a certified copy of a license posted in a conspicuous place in each place of business. Each salesman shall carry his license or a certified copy thereof and shall exhibit such license or certified copy thereof upon demand by any person with whom he seeks to transact business as a motor vehicle salesman. A license issued under this chapter shall authorize the doing of business thereunder only in the county in which the same has been issued.

In case any license is not granted, the fee shall be returned to the applicant at the time he is notified that his application has been refused.

A copy of the application of each dealer duly executed and approved by the board and a report of the suspension, revocation or change of status of a dealer's license shall be furnished to the treasurer promptly upon the granting, suspension, revocation or change of status of any dealer's license. [L. 1939, c. 258, s. 7; am. L. 1941, c. 315, pt. of s. 1 and c. 33, s. 1; R. L. 1945, s. 7371; am. L. 1949, c. 168, s. 1.; am. L. 1951, c. 90, pt. of s. 1.]

Sec. 7372. Change of status, supplemental statement. If the status of any licensed motor vehicle dealer shall change during the period for which the license is issued in respect to: (1) personnel of owners, partners, officers, or directors, or (2) location of office or principal place of business, or (3) authorization of the licensee by a manufacturer, or distributor, to act as distributor of, or dealer in, new motor vehicles within the territory, the licensee shall within fifteen days thereafter file with the board a supplemental statement on a form prescribed by the board showing in what respects such status has been changed. [L. 1939, c. 258, s. 8; R. L. 1945, s. 7372; am. L. 1951, c. 90, pt. of s. 1.]

Sec. 7373. Suspension; revocation. The board may, and shall, upon the verified complaint in writing of any person, investigate the conduct of any licensee under this chapter and shall suspend or revoke, or refuse to renew any dealer's or salesman's license at any time, if any ground existed upon which such license might have been refused, or if a ground exists which would be cause for refusal to issue a license.

The board may suspend or revoke any license at any time if the licensee has in any manner violated the regulations issued pursuant to this chapter, or has violated any law relating to the selling of motor vehicles, or the taxing, licensing, or regulation of sales of motor vehicles. [L. 1939, c. 258, s. 11; R. L. 1945, s. 7373; am. L. 1951, c. 90, pt. of s. 1.]

Sec. 7374. Notice of hearing. Before suspending, revoking, or refusing to renew a license the board shall afford the licensee an opportunity to be heard in person, or by counsel, with reference thereto. Notice of such hearing may be served in person, or by registered mail addressed to the address shown on the application. No hearing shall be held within fifteen days after notice has been served. [L. 1939, c. 258, s. 13; R. L. 1945, s. 7374; am. L. 1951, c. 90, pt. of s. 1.]

Sec. 7375. Records; appeals to circuit court. The board shall keep a record of its proceedings and shall have authority upon application of an interested party or upon its own motion and notice to the interested parties to reverse, vacate or modify its own orders. The circuit court of the circuit in which an application for a license has been refused, or in which a license has been revoked or suspended, shall have jurisdiction to affirm, vacate or modify any order of the board, on appeal therefrom filed in such circuit court within thirty days from the date of such order. No such appeal shall operate to stay such order; **provided**, however, that the circuit court having jurisdiction of the appeal may upon a showing of undue hardship upon the applicant, if the order of the board were not stayed pending determination of the appeal, and that the appeal is being prosecuted in good faith and on a meritorious ground stay the operation of the order of the board by an appropriate judicial order. [L. 1939, c. 258, s. 14; R. L. 1945, s. 7375; am. L. 1951, c. 90, pt. of s. 1.]

Sec. 7376. Duties of prosecutor, city and county attorney and county attorneys. It shall be the duty of the public prosecutor and the city and county attorney of the city and county of Honolulu and of the county attorneys of the several counties to render assistance to the board upon its request, in enforcing and carrying out the provisions of this chapter and in prosecuting and defending proceedings hereunder. [L. 1939, c. 258, s. 15; R. L. 1945, s. 7376; am. L. 1951, c. 90, pt. of s. 1.]

RETAIL INSTALLMENT CONTRACTS

Sec. 7377. Retail installment contracts; agreements concerning unlawful. No person who is engaged in, or about to engage in, the business of selling motor vehicles at retail shall enter into any contract, agreement, or understanding, express or implied, with any manufacturer or distributor of motor vehicles that he will sell only to a designated person, or class of persons, all or any part of the retail installment contracts arising out of the sale by him of motor vehicles, or that he will refuse to sell such retail installment contracts to any designated person, or class of persons. Any such contract, agreement, or understanding is hereby declared to be against the public policy of this territory and to be unlawful and void. [L. 1939, c. 258, s. 16; R. L. 1945, s. 7377; am. L. 1951, c. 90, pt. of s. 1.]

Sec. 7378. Coercion by manufacturer or distributor unlawful. No person, being a manufacturer or distributor of motor vehicles, or being an officer, agent or representative of such manufacturer or distributor, shall induce or coerce, or attempt to induce or coerce, any retail motor vehicle dealer or prospective retail motor vehicle dealer to sell or refuse to sell all or any portion of his retail installment contracts to any person or class of persons designated by such manufacturer or distributor, by means of any statement, suggestion, promise or threat, made directly or indirectly, that such manufacturer or distributor will in any manner injure or benefit such a dealer, or by means of any act of such manufacturer or distributor that has benefited or injured such dealer, or by means of any statement or representation, made directly or indirectly, that such dealer is under any obligation whatsoever to make or refuse to make such sale. [L. 1939, c. 258, s. 17; R. L. 1945, s. 7378; am. L. 1951, c. 90, pt. of s. 1.]

Sec. 7379. Retail installment contracts, when purchase of unlawful. No person engaged in the business of buying retail installment contracts from motor vehicle dealers in this territory, and no officer, agent or representative of such person, shall purchase or attempt to purchase any such retail installment contract from any motor vehicle dealer in this territory:

(a) When such dealer in consequence of any contract, agreement or arrangement between such person and a manufacturer or distributor supplying motor vehicles to such dealer has been induced or coerced to sell such retail in-

stallment contract by means of any statement, suggestion, promise or threat, made directly or indirectly, that the manufacturer, or distributor supplying motor vehicles to such dealer would in any manner injure or benefit such dealer, or by means of any act of such manufacturer or distributor that has benefited or injured such dealer, or by means of any statement or representation, made directly or indirectly, that such dealer is under any obligation whatsoever to make such sale;

(b) When such person has received or has contracted to receive from any manufacturer or distributor supplying motor vehicles to such dealer, or has given or contracted to give to such manufacturer or distributor, any subsidy or thing of service or value, where the effect of the giving or receiving of such subsidy or thing of service or value may be to lessen or eliminate competition in the business of purchasing retail installment contracts from motor vehicle dealers or tend to grant an unfair trade advantage or to create a monopoly in such person. [L. 1939, c. 258, s. 18; R. L. 1945, s. 7379; am. L. 1951, c. 90, pt. of s. 1.]

PENALTIES

Sec. 7380. Selling without license; penalty. Whoever engages in the business of selling, displaying, offering for sale or dealing in motor vehicles at retail without having a license therefor as required by this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars or more than five hundred dollars and upon conviction for a second or subsequent offense shall be fined not less than five hundred dollars or more than one thousand dollars. [L. 1939, c. 258, s. 19; R. L. 1945, s. 7380; am. L. 1951, c. 90, pt. of s. 1.]

Sec. 7380.01. Injunction; damages. The board or any person, firm or corporation or any trade association may maintain a suit to enjoin the performance or the continuance of any act or acts by a person acting without a license where a license is required by the provisions of this chapter, and if injured thereby, for the recovery of damages. If in such suit the court shall find that the defendant has violated or is violating any of the provisions of this chapter it may enjoin the defendant from further violation thereof. It shall not be necessary that actual damages to the plaintiff or petitioner be alleged or proved. Plaintiff or petitioner shall be entitled, if he shall procure a decree hereunder, to a reasonable attorney's fee to be allowed by the court. [L. 1949, c. 163, s. 2; am. L. 1951, c. 90, pt. of s. 1.]

Sec. 7381. Installment contract violations; penalty. Whoever violates any of the provisions of sections 7377-7379 relating to sales or purchase of retail installment contracts shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars, nor more than one thousand dollars. [L. 1939, c. 258, s. 20; R. L. 1945, s. 7381; am. L. 1951, c. 90, pt. of s. 1.]

Sec. 7382. Other violations; penalty. Whoever violates any of the provisions of this chapter or any lawful rule or regulation promulgated by the board under authority of this chapter for the violation of which no penalty is provided by law, shall be fined not less than twenty-five dollars nor more than five hundred dollars. [L. 1939, c. 258, s. 21; R. L. 1945, s. 7382; am. L. 1951, c. 90, pt. of s. 1.]

Sec. 7383. Information in applications confidential; penalty for divulging. The applications for license and contracts required by the provisions of sections 7362 and 7368 shall not be deemed a part of the public records but shall be confidential information for use of the treasurer and board. Whoever, except in a report to the treasurer or the board or when called on to testify in any court or proceeding, divulges any information contained in such applications and acquired by him in his capacity as an official or employee of the county treasurer's office or of the board shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than fifty dollars and not more than one hundred dollars. [L. 1939, c. 258, s. 23; R. L. 1945, s. 7383; am. L. 1951, c. 90, pt. of s. 1.]

CONSTRUCTION

Sec. 7384. Liberal interpretation. All provisions in this chapter relating to the licensing of automobile dealers and salesmen and designating and granting power to the board shall be liberally construed to the end that the practice or commission of fraud in the business of selling motor vehicles may be prohibited and prevented. [L. 1939, c. 258, s. 24; R. L. 1945, s. 7384; am. L. 1951, c. 90, pt. of s. 1.]

Sec. 7385. Sections 7113-7115 not to apply. The provisions of sections 7113-7115 shall not apply to salesmen or dealers licensed under the provisions of this chapter." [L. 1939, c. 258, s. 25; R. L. 1945, s. 7385; am. L. 1951, c. 90, pt. of s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 18, 1951.) H.B. 754, Act 90.

Chapter 140. MOTOR VEHICLES: LIABILITY
INSURANCE.

PART I: MOTOR VEHICLE SAFETY RESPONSIBILITY
ACT.

§§ 7401-7404. Motor liability act rewritten. AM. L. 1949, Act 393
[C-224].

Series C-178: ACT 183

An Act to Amend Section 7405 of the Re-
vised Laws of Hawaii 1945, as Amended, Relating to
Security Required Under the Motor Vehicle Safety Re-
sponsibility Act.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 7405* of the Revised Laws of Hawaii 1945,
as amended, as enacted by Act 393 of the Session Laws of Ha-
waii 1949, is hereby amended by adding at the end of paragraph
(a) thereof a new sentence reading as follows:

"The provisions of this paragraph shall be applicable
to each operator or owner notwithstanding that the chief
of police shall determine that the amount of security re-
quired hereunder shall as to any such operator or owner
be less than \$100.00."

Section 2. This Act shall take effect upon its approval.

(Approved May 28, 1951.) S.B. 202, Act 183.

* § 7405. (a) Security required unless evidence of insurance. AM. L.
1949, Act 393 [C-224].

§§ 7406-7416. Motor liability act rewritten. AM. L. 1949, Act 393
[C-224].

Series C-179: ACT 185

An Act to Amend Section 7417 of the Re-
vised Laws of Hawaii 1945 Relating to Proof of Fi-
nancial Responsibility Required When Operator's Li-
cense Becomes Subject to Revocation or Suspension.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 7417 of the Revised Laws of Hawaii 1945,
as enacted by Act 392 of the Session Laws of Hawaii 1949, is
hereby amended to read as follows:

"Sec. 7417. Proof of financial responsibility required upon conviction of certain offenses. Whenever an operator's license has been suspended or revoked upon a conviction of any offense pursuant to law, said license shall not at any time thereafter be issued to the person whose license has been suspended or revoked until such person has furnished and thereafter maintains proof of financial responsibility; and whenever by reason of a conviction of any of the offenses hereinafter named, under the laws of the Territory of Hawaii or ordinances of any political subdivision, a court of competent jurisdiction has discretion to revoke or suspend an operator's license but does not revoke or suspend the license, the chief of police shall nevertheless after the expiration of thirty (30) days from the date of conviction suspend the license and shall keep the same suspended unless and until the person so convicted shall furnish and thereafter maintain proof of financial responsibility; the offenses referred to are: (1) heedless, careless, reckless or negligent driving; (2) conviction of any offense involving a motor vehicle in motion if the motor vehicle is in any manner involved in an accident in which any person is killed or injured, or in which damage to property results to an apparent extent in excess of one hundred dollars (\$100.00) (including any such accident in which only injury to the person or property of the convicted operator occurs)." [L. 1933, c. 166, s. 17; R. L. 1935, s. 2696; am. L. 1939, c. 99, s. 2; R. L. 1945, s. 7417; am. L. 1949, c. 393, pt. of s. 1; am. L. 1951, c. 185, s. 1.]

Section 2. Wherever* an operator's license has been suspended or revoked by the chief of police pursuant to the provisions of section 7417 as it existed prior to its amendment as set forth in section 1 of this Act, by reason of a conviction of any offense other than the offenses enumerated in said section 7417 as so amended, the chief of police shall restore such license without requiring the maintenance of financial responsibility.

Section 3. This Act shall take effect upon its approval.

(Approved May 28, 1951.) S.B. 209, Act 185.

§§ 7418-7428.03. Motor liability act rewritten. AM. L. 1949, Act 393 [C-224].

* Sic.

Series C-180: ACT 184

An Act to Amend Section 7428.04 of the Revised Laws of Hawaii 1945, as Amended, Relating to the Applicability of the Motor Vehicle Safety Responsibility Act to Publicly Owned Motor Vehicles.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 7428.04 of the Revised Laws of Hawaii 1945, as amended, as enacted by Act 393 of the Session Laws of Hawaii 1949, is hereby amended to read as follows:

"Sec. 7428.04. Exceptions. This part, except for section 7417 as the same now is or may hereafter be amended, shall not apply with respect to any motor vehicle owned by the United States, this Territory or any political subdivision thereof; nor, except for sections 7404 and 7426 of this part, with respect to any motor vehicle which is subject to the requirements of the provisions of part II of this chapter." [L. 1949, c. 393, pt. of s. 1; am. L. 1951, c. 184, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 28, 1951.) S.B. 203, Act 184.

§§ 7428.05-.09. Motor liability act rewritten. AM. L. 1949, Act 393 [C-224].

Chapter 142. WEIGHTS AND MEASURES.

Series C-181: ACT 266

An Act Relating to Weights and Measures, Defining the Powers and Duties of Enforcing Officers, Increasing the Number of Deputy Sheriffs of the City and County of Honolulu, Providing Penalties, and Amending Chapter 142 and Section 6627 of the Revised Laws of Hawaii 1945.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 142 of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(1) By amending section 7472 thereof by adding thereto two new paragraphs reading as follows:

"Every person using such scale, beam, weighing machine, measure, device, or appliance shall exhibit the same to the enforcing officer upon his request for inspection and examination.

Any person who shall neglect or refuse to exhibit such scale, beam, weighing machine, measure, device or appliance after the exhibition of the same has been requested by the enforcing officer shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars." [L. 1921, c. 234, s. 3; R. L. 1925, s. 2150; am. L. 1929, c. 73, s. 1; R. L. 1935, s. 2711; R. L. 1945, s. 7472; am. L. 1951, c. 266, s. 1(1).]

(2) By amending **section 7474** thereof by amending the last line in the first paragraph thereof to read as follows:

"same in any way."

(3) By amending **section 7474** thereof by adding thereto between the first and second paragraphs of said section the following:

"In the event that the owner or user of any scale, beam, weighing machine, measure, device or appliance marked 'out of order' shall have refused or neglected to have the same repaired or corrected within thirty (30) days, such scale, beam, weighing machine, measure, device or appliance shall be subject to seizure by the enforcing officer. Any weighing appliance and measure mentioned herein which has been seized by the enforcing officer under the provisions of this section shall be subject to such disposition as shall be ordered by a court or magistrate upon petition for a disposition order by the enforcing officer. The enforcing officer shall petition the court or magistrate for such disposition order periodically, but not more often than once in each calendar year. A notice of such petition shall be given to the owner or user from whom such appliance or measure was seized in the same manner as a summon in a civil action."

(4) By adding thereto a section to be numbered **section 7475.01** and to read as follows:

"[**Sec. 7475.01. Examination of packaged goods; penalty for short weight.**] Each enforcing officer shall, from time to time, weigh or measure packages, containers or amounts of commodities sold, or in the process of delivery, in order to determine whether the same contain the quantity or amount represented and whether such commodity is being sold in accordance with law.

Whenever a package or container is found to contain a less amount or quantity than that represented the enforcing officer shall in writing order same removed from sale and require that an accurate statement of amount or quantity be placed on each such package or container before such

commodity may be released for sale by the enforcing officer. The enforcing officer may seize as evidence any package or container which is found to contain a less amount or quantity than that represented.

Every person, including an employee or agent of the seller, who shall sell, or offer to sell, or who shall expose for sale any commodity at a given amount or quantity in a package or container shall exhibit such package or container to the enforcing officer upon his request for inspection or examination for the purpose of having the same checked as to amount or quantity.

Any such person who shall neglect or refuse to exhibit such package or container after the exhibition of the same had been requested by the enforcing officer shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars.

Any person, including an employee or agent of the seller, who shall knowingly sell, or offer to sell, or expose for sale any commodity in any package or container which contains a less amount or quantity than that represented by such package or container, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding thirty days, or by both fine and imprisonment." [L. 1951, c. 266, s. 1(4).]

Section 2. Section 7476 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 7476. Specifications; tolerances; and regulations. The specifications, and tolerances or permissible error, either in excess or deficiency, and regulations for commercial weights and measures and weighing and measuring devices, shall be those now adopted or which may hereafter be adopted by the National Conference on Weights and Measures, and recommended by the National Bureau of Standards of the United States Department of Commerce for use and adoption by the several states. The enforcing officers shall procure from the National Bureau of Standards authentic copies of the handbook on specifications, tolerances, and regulations for commercial weights and measures and weighing and measuring devices issued by said bureau and all changes and amendments thereto, which shall at all times be kept on file in their offices for public inspection, and shall be in full force and effect sixty (60) days after such filing. Every person who violates any provision of this section or any provision of any code,

rule or regulation herein provided, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding thirty days, or by both fine and imprisonment." [L. 1921, c. 234, s. 7; R.L. 1925, s. 2154; am. L. 1929, c. 73, s. 3; R.L. 1935, s. 2715; R.L. 1945, s. 7476; am. L. 1951, c. 266, s. 2.]

Section 3. All commercial weights and measures and weighing and measuring devices lawfully in use prior to the effective date of this Act may be continued to be used provided such weights and measures and weighing and measuring devices conform to the provisions of this Act.

Section 4. All laws, ordinances, rules and regulations in conflict herewith are to the extent of such conflict superseded by this Act.

Section 5. Section 6627 of the Revised Laws of Hawaii 1945 is hereby amended by amending the word "fifteen", appearing in the fifth line thereof, to read "twenty".

Section 6. The provisions of this Act are declared to be severable, and if any portion of this Act, or if the application of this Act or any portion thereof to any person, circumstance or property, is held invalid for any reason, the validity of the remainder of this Act, or the application of this Act or of such portion thereof to other persons, circumstances or property, shall not be affected.

Section 7. This Act shall take effect upon its approval.

(Approved June 6, 1951.) H.B. 1031, Act 266.

Title 20: BUSINESS, ETC. * * * TERRITORY.

Chapter 145. BOXING.

§ 7551. Definition of certain words as used in this chapter. AM. L. 1949, Act 264 [C-225].

Series C-182: ACT 307

An Act to Amend Chapter 145 of the Revised Laws of Hawaii 1945, as Amended, Regulating Boxing Contests in the Territory of Hawaii.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 7552 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 7552. Commission established. There is hereby created and established a board which shall be known as the territorial boxing commission of Hawaii. The commission shall consist of five members who shall be appointed and may be removed by the governor in the manner provided by section 80 of the Hawaiian Organic Act. One of the members shall be a member of the Hawaiian association of the amateur athletic union of the United States of America. One member shall be designated by the governor as chairman of the commission." [L. 1929, c. 216, s. 1; R. L. 1935, s. 6991; am. L. 1937, c. 213, s. 1; R. L. 1945, s. 7552; am. L. 1951, c. 307, s. 2.]

Section 2. Section 7553 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by deleting the second paragraph thereof.

§ 7553. Term of office and expenses of commissioners. Am. L. 1945, Act 202 [C-143], rewritten p. 237.

§ 7554.01. Deputy commissioner. NEW, L. 1949, Act 264 [C-225].

Section 3. Section 7556 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended to read as follows:

"Sec. 7556. Secretary. The commission shall appoint a secretary whose position shall be subject to the provisions of chapter 3 but not chapter 2 of the Revised Laws of Hawaii 1945. The secretary shall attend all meetings of the commission, keep a full and true record of all its books, documents and papers, prepare for service such notices and other papers as may be required by the commission, coordinate and supervise the activities and duties of whatever other offices the commission may establish, and otherwise act for and in behalf of the commission as the commission may prescribe and in a manner not inconsistent with the terms and intent of this chapter.

Subject to the provisions of chapters 2 and 3 of the Revised Laws of Hawaii 1945, the commission shall appoint such clerks, inspectors and other employees as it may deem necessary." [L. 1929, c. 216, ss. 7, 9; R. L. 1935, s. 6995; R. L. 1945, s. 7556; am. L. 1949, c. 264, s. 3; am. L. 1951, c. 307, s. 3.]

Section 4. Section 7557 of the Revised Laws of Hawaii 1945 is hereby amended by changing the first sentence thereof to read as follows:

"The chairman or the secretary may issue subpoenas for the attendance of witnesses before the commission with the same effect as if they were issued in an action in the

circuit court, and may administer oaths in all matters connected with the administration of the affairs of the commission."

Section 5. Section 7558 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by deleting the semicolon and inserting in place thereof a period in the ninth line of the first paragraph of said section, and deleting the remainder of the first paragraph of said section.

§ 7558. Jurisdiction of commission. AM. L. 1949, Act 264 [C-225].

§ 7559. Licenses, promoters. AM. L. 1949, Act 264 [C-225].

Section 6. Section 7560 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by amending the first paragraph thereof to read as follows:

"The application shall be accompanied by an annual fee, or, as the case may be, by the fee required for a single promotion; the fee for an annual license or for a license covering some definite period less than one year shall be one hundred fifty dollars in the city and county of Honolulu and fifty dollars in each of the other counties; the fee for a single promotion shall be fifty dollars in the city and county of Honolulu and twenty-five dollars in each of the other counties. Applications for licenses to promote amateur boxing contests shall be accompanied by an annual fee of seventy-five dollars in the city and county of Honolulu and twenty-five dollars in each of the other counties."

§ 7560. License fee; bond. AM. L. 1949, Act 264 [C-225].

§ 7561. Licenses, participants. AM. L. 1949, Act 264 [C-225].

Section 7. Section 7562 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by amending the first two lines thereof to read as follows:

"Every applicant to whom a license may be issued to participate in the conduct of professional boxing in any of the capacities hereinafter set forth shall pay annually to the territory".

Section 8. Section 7562 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding at the end thereof an additional sentence to read as follows:

"The commission may establish a schedule of license fees for participation in amateur boxing contests, and may waive payment of any such license fees for amateur boxing contests."

§ 7562. License fees. AM. L. 1949, Act 264 [C-225].

§ 7563. Licenses, limitations, renewals. AM. L. 1949, Act 264 [C-225].

§ 7570. Referees; duties. AM. L. 1949, Act 264 [C-225].

§ 7571. Judges; duties. Am. L. 1949, Act 264 [C-225], rewritten p. 500.

§ 7574. Sham boxing contest; penalty against contestant. AM. L. 1949, Act 264 [C-225].

§ 7575. Number of rounds. AM. L. 1949, Act 264 [C-225].

Section 9. Section 7579 of the Revised Laws of Hawaii 1945 is hereby amended by amending the last sentence thereof to read as follows:

"No contestant shall be paid for services before a boxing contest or exhibition, **provided**, that with the approval of the commission, a promoter may advance sums of money for training purposes."

Section 10. This Act shall take effect on July 1, 1951.

(Approved June 12, 1951.) H.B. 980, Act 307.

§ 7583. Amateur contestants entitled to medals and trophies only. AM. L. 1949, Act 264 [C-225].

§ 7586. Not to apply to army, air force, navy or national guard. AM. L. 1949, Act 264 [C-225].

Chapter 146. ENGINEERING, ETC., REGULATION OF.

§ 7601. Definitions. Am. L. 1949, Act 306 [C-226].

§ 7607. Board of registration of professional engineers, etc., members; appointment, tenure; qualifications. Am. L. 1949, Act 306 [C-226], rewritten pp. 505-6.

§ 7608. Powers and duties of board; secretary; records. Am. L. 1949, Act 306 [C-226].

§ 7609. Qualifications; registration and certificates thereof; fees; annual renewal. AM. L. 1949, Act 306 [C-226].

Chapter 148. NOTARIES PUBLIC.

Series C-183: ACT 281

An Act Relating to Notary Fees; Amending
Section 7676 of the Revised Laws of Hawaii 1945.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 7676 of the Revised Laws of Hawaii 1945 is hereby amended by amending the seventh paragraph thereof to read as follows:

"Administration of oath, including the certificate of such oath, fifty cents; for affixing the certificate of such oath to every duplicate original instrument beyond four, twenty-five cents;".

Section 2. This Act shall take effect upon its approval.

(Approved June 9, 1951.) S.B. 345, Act 281.

Chapter 150. REAL ESTATE BROKERS AND SALESMEN.

§ 7731. Definitions. Am. L. 1949, Act 277 [C-227].

Series C-184: ACT 77

An Act to Amend Chapter 150 of the Revised Laws of Hawaii 1945 Relating to Real Estate Brokers and Salesmen.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 7733 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 7733. Commission, appointments, qualifications, tenure. There shall be appointed in the manner prescribed by section 80 of the Organic Act a commission to be known as the Real Estate License Commission, and to consist of three members, at least two of whom shall be licensed real estate brokers who have been engaged in business as licensed real estate brokers or salesmen for three years immediately preceding their appointments, each of whom shall be a citizen of the United States of America and shall have resided in the Territory of Hawaii for at least three years preceding his appointment, and one of whom shall be designated by the appointing power as chairman.

Appointments shall be made for a term of three years, commencing from the date of expiration of the last preceding term and shall be made to expire on December thirty-first. Appointments shall be so made that one appointment shall be required each year.

Any vacancy shall be filled by appointment for the unexpired term. The members of the commission shall serve without pay. All expenses shall be paid out of the special fund provided in sec. 7740.

Any two members shall constitute a quorum to do business." [L. 1933, c. 140, ss. 2, 3; R. L. 1935, s. 7312; am. L. 1935, c. 126, s. 1; R. L. 1945, s. 7733; am. L. 1951, c. 77, s. 1.]

Section 2. Section 7734 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 7734. Powers and duties of commission. It shall be the duty of the commission and it shall have the power in addition to any other duties and powers granted by this chapter:

1. To grant licenses to real estate brokers and real estate salesmen pursuant to this chapter;

2. To make, amend or repeal such rules and regulations as it may deem proper to fully effectuate the provisions of this chapter and carry out the purpose thereof, which purpose is the protection of the general public in its real estate transactions. All such rules and regulations shall be approved by the governor and shall be published once in the English language in a newspaper of general circulation in the territory, and when promulgated and filed pursuant to the provisions of sections 466-476 inclusive, shall have the force and effect of law. The rules and regulations may forbid acts or practices deemed by the commission to be detrimental to the accomplishment of the purpose of this chapter, and such rules and regulations may require real estate brokers and salesmen to make reports to the commission containing such items of information as will better enable the commission to enforce this chapter and the rules and regulations, or as will better enable the commission from time to time to amend the rules and regulations to more fully effect the purpose of this chapter, and, further, said rules and regulations may require real estate brokers and salesmen to furnish reports to their clients containing such matters of information as the commission shall deem necessary to promote the purpose of this chapter; **provided**, that this enumeration of specific matters which may properly be made the subject of rules and regulations shall not be construed to limit the commission's broad general power to make all rules and regulations necessary to fully effectuate the purpose of this chapter.

3. To enforce the provisions of this chapter and rules and regulations adopted pursuant thereto.

4. Subject to the provisions of chapter 2 and 3 of the Revised Laws of Hawaii 1945, as amended, to appoint and remove such administrative and clerical assistants as it may require and to prescribe their powers and duties.

5. To suspend or revoke any license for any cause prescribed by this chapter, or for any violation of the rules and regulations, and to refuse to grant any license for any cause which would be ground for revocation or suspension of a license.

6. To report to the governor annually and at such other times and in such other manner as he may require concerning its activities.

7. To publish and distribute pamphlets and circulars containing such information as it shall deem proper to further the accomplishment of the purpose of this chapter."

[L. 1933, c. 140, s. 4; R. L. 1935, s. 7313; am. L. 1935, c. 126, s. 1; R. L. 1945, s. 7734; am. L. 1951, c. 77, s. 2.]

Section 3. **Section 7737** of the Revised Laws of Hawaii 1945 is hereby amended as follows:

By substituting a "semicolon" for the "period" at the end of subparagraph numbered "5" and adding the following thereafter:

"and shall be of the age of 20 years or more."

Section 4. **Section 7740** of the Revised Laws of Hawaii 1945, as amended, is hereby amended by deleting it in its entirety and inserting in its place the following:

"Sec. 7740. Fees; annual renewals; special fund. The fee for any license prescribed by this Act shall be as follows:

1. To act as a real estate broker, twenty-five dollars.
2. To act as a real estate salesman, twenty-five dollars.
3. Annual renewal for broker, ten dollars.
4. Annual renewal for salesman, five dollars.

A fee of one dollar shall be charged for the reissuance of a lost license, or for the reissuance of a license when there has been a change in the licensee's name, or, in the case of a salesman, when he is employed by a different broker.

The annual renewal fee shall be paid to the commission on or before January 1 of each year. Failure, neglect or refusal of any duly licensed real estate broker or real estate salesman to pay such annual renewal fee shall constitute a forfeiture of the license of such broker or salesman. The license of such broker or salesman may be restored upon written application therefor and the payment to the commission of the sum of twenty-five dollars.

All fees and other moneys collected or received under the provisions of this chapter shall be deposited in the territorial treasury, and set aside in a special fund. All expenses of the commission, including expenses and compensation of clerical assistants, shall be paid out of such fund upon vouchers approved by the commission and signed by the chairman or a member thereof. The commission may expend out of such fund such amounts as may be necessary for investigations of alleged violations of the provisions of this chapter." [L. 1933, c. 140, s. 10; R. L. 1935, s. 7319; am. L. 1935, c. 126, s. 4; R. L. 1945, s. 7740; am. L. 1951, c. 77, s. 4.]

Section 5. **Section 7741** of the Revised Laws of Hawaii 1945, is hereby amended in the following respects:

(1) By amending the title thereof to read as follows:

"Revocation and suspension of licenses."

(2) By deleting the semicolon at the end of the subparagraph numbered 6 and adding thereto the following:

"or, being a real estate broker or salesman, employs or compensates one not licensed under this chapter to perform any such act;"

(3) By inserting in the first line of the subparagraph numbered 7 before the word "represents" the following:

"acts or attempts to act as a real estate broker or".

(4) By replacing the period at the end of the subparagraph numbered 12 with a semicolon and inserting after that subparagraph the following subparagraphs:

"13. Violating any of the provisions of this chapter or the rules and regulations promulgated pursuant thereto;

14. Splitting fees with or otherwise compensating others not licensed hereunder for referring business;

15. Commingling the money or other property of his principal with his own;

16. Adjudicated insane or incompetent."

(5) By deleting the last two paragraphs thereof and inserting in lieu of same the following:

"No license shall be suspended for longer than two years and no person whose license has been revoked shall be eligible to apply for a new license until the expiration of two years."

Section 6. Chapter 150 of the Revised Laws of Hawaii 1945, is hereby amended by inserting after section 7741 thereof a new section to read as follows:

"Sec. 7741.01. Hearings. In every case where it is proposed to refuse to grant a license because of bad character or bad reputation for honesty, truthfulness, or fair dealing, or to revoke or suspend the exercise of any license for any of the causes hereinabove enumerated, written notice shall be given the person concerned specifying the cause or causes for which it is proposed to take such action, and fixing the date of hearing. The notice shall be given at least five days before the hearing. At the hearing, before final action is taken by the commission, the person concerned shall be entitled to be heard in person or through counsel, and shall be accorded a full and fair hearing.

In all proceedings before it, the commission and each member thereof shall have the same powers respecting administering oaths, compelling the attendance of witnesses and the production of documentary evidence, and examin-

ing witnesses, as are possessed by circuit judges at chambers. In cases of disobedience by any person of any order of the commission, or any member thereof, or of any subpoena issued by it, or him, or the refusal of any witness to testify to any matter regarding which he may be questioned lawfully, it shall be the duty of any circuit judge, on application by the commission, or a member thereof, to compel obedience as in the case of disobedience of the requirements of a subpoena issued by a circuit court, or a refusal to testify therein." [L. 1951, c. 77, s. 6.]

Section 7. The terms of office of the members of the commission acting at the time of the effective date of this Act shall not be affected hereby.

Section 8. If any section, sentence, clause or phrase of this Act or the application thereof to any person or circumstances shall be held invalid, the remaining portion of this Act or the application of the Act to other persons or circumstances shall not be affected. The legislature hereby declares that it would have passed this Act and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, sentences, clauses or phrases be declared invalid.

Section 9. This Act shall take effect upon its approval.

(Approved May 18, 1951.) H.B. 264, Act 77.

§ 7737, subpar. 1, 2. No license issued when. Am. L. 1949, Act 276 [C-228].

Title 21: CORPORATIONS—PARTNERSHIPS.

Chapter 152. BANKS.

§ 8029. Power to sell or merge. Am. L. 1951, Act 198 [C-186], infra.

§ 8034. Residence of directors. Am. L. 1945, Act 143 [C-144].

§ 8038. Branch banks. Am. L. 1947, Act 4 [C-133].

§§ 8041.01-.02. Residence of directors. NEW, L. 1945, Act 143 [C-144].

§§ 8041-43. Residence director. Am. L. 1945, Act 143 [C-144].

Series C-185: ACT 86

An Act Amending Section 8084 of the Revised Laws of Hawaii 1945, Relating to the Investments authorized for Bank Savings Departments.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 8084 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto a new subparagraph to be numbered and to read as follows:

"15. In promissory notes secured by life insurance policies up to the unencumbered loan value of such policies." [L. 1931, c. 177, s. 78; am. L. 1933-4, c. 48, s. 8; R. L. 1935, s. 6579; am. L. 1937, c. 61, ss. 1, 2, 3; am. L. 1943, c. 211, s. 8; R. L. 1945, s. 8084; am. L. 1951, c. 86, s. 1.]

Section 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 18, 1951.) H.B. 676, Act 86.

MERGER, NATIONAL AND TERRITORIAL BANKS.

Series C-186: ACT 198

An Act to Amend Chapter 152 of the Revised Laws of Hawaii 1945, by Adding Thereto a New Subtitle Relating to the Conversion, Merger or Consolidation of National Banks and Territorial Banks to Be Known as the "Bank Merger Act".

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 152 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto a new subsection,* to be entitled "Bank Merger Act" and to consist of sections 2 to 13 of this Act, inclusive.

[Sec. 8146.] Section 2. **Definitions.** As used in this Act, unless the context otherwise indicates:

- (a) "Bank" means a territorial or a national bank.
- (b) "Merging Bank" means a party to a merger.
- (c) "Converting Bank" means a bank converting from a territorial to a national bank, or the reverse.
- (d) "Merger" includes consolidation.
- (e) "Resulting Bank" means the bank resulting from a merger or conversion.
- (f) "Territorial Bank" means a bank chartered by this Territory. [L. 1951, c. 198, s. 2.]

[Sec. 8147.] Section 3. **Resulting national bank.** (a) Nothing in the law of this Territory shall restrict the right of a territorial bank to merge with or convert into a resulting national bank. The action to be taken by such merging or converting territorial bank and its rights and liabilities and those of its shareholders shall

* Note: Word "subsection" in line 3 of Section 1 should read "subtitle."

be the same as those prescribed for national banks at the time of the action by the law of the United States and not by the law of this Territory, except that a vote of the holders of two-thirds of each class of voting stock of a territorial bank shall be required for the merger or conversion, and that on conversion by a territorial into a national bank the rights of dissenting stockholders shall be those specified in section 10 of this Act; (b) Upon the completion of the merger or conversion, the charter of any merging or converting territorial bank shall automatically terminate. [L. 1951, c. 198, s. 3.]

[Sec. 8148.] Section 4. **Resulting territorial bank.** Upon approval by the treasurer, banks may be merged to result in a territorial bank, or a national bank may convert into a territorial bank, as hereafter prescribed, except that the action by a national bank shall be taken in the manner prescribed by and shall be subject to limitations and requirements imposed by the law of the United States which shall also govern the rights of its dissenting shareholders. [L. 1951, c. 198, s. 4.]

[Sec. 8149.] Section 5. **Merger procedure; resulting territorial bank.** A. The board of directors of each merging territorial bank shall, by a majority of the entire board, approve a merger agreement which shall contain:

(1) The name of each merging bank and location of each office;

(2) With respect to the resulting bank: (a) the name and location of the principal and the other offices; (b) the name and residence of each director to serve until the next annual meeting of the stockholders; (c) the name and residence of each officer; (d) the amount of capital, the number of shares and the par value of each share; (e) whether preferred stock is to be issued and the amount, terms and preferences; (f) the amendments to its charter and by-laws;

(3) Provisions governing the manner of converting the shares of the merging banks into shares of the resulting territorial bank;

(4) A statement that the agreement is subject to approval by the treasurer and by the stockholders of each merging bank;

(5) Provisions governing the manner of disposing of the shares of the resulting territorial bank not taken by dissenting shareholders of merging banks;

(6) Such other provisions as the treasurer requires to enable him to discharge his duties with respect to the merger.

B. After approval by the board of directors of each merging territorial bank, the merger agreement shall be submitted to the

treasurer for approval, together with certified copies of the authorizing resolutions of each board of directors showing approval by a majority of the entire board, and together with evidence of proper action by the board of directors of any merging national bank.

C. Within thirty days after receipt by the treasurer of the papers specified in subsection A, the treasurer shall approve or disapprove the merger agreement, and if no action is taken, the agreement shall be deemed approved. The treasurer shall approve the agreement if it appears that:

- (1) The resulting territorial bank meets the requirements of territorial law as to the formation of a new territorial bank;
- (2) The agreement provides an adequate capital structure including surplus in relation to the deposit liabilities of the resulting territorial bank and its other activities which are to continue or are to be undertaken;
- (3) The agreement is fair; and
- (4) The merger is not contrary to the public interest.

D. If the treasurer disapproves an agreement, he shall state his objections and give an opportunity to the merging banks to amend the merger agreement to obviate such objections.

E. Nothing in this Act shall be construed to require the approval by any territorial authority for any territorial bank to convert into and merge or consolidate with national banking associations as provided by federal law. [L. 1951, c. 198, s. 5.]

[Sec. 8150.] Section 6. **Merger; approval by stockholders of territorial banks.** (a) To be effective, a merger which is to result in a territorial bank must be approved by the stockholders of each merging territorial bank by a vote of two-thirds of the outstanding voting stock of each class at a meeting called to consider such action, which vote shall constitute the adoption of the charter and by-laws of the resulting territorial bank, including the amendments in the merger agreement; (b) Unless waived in writing, notice of the meeting of stockholders shall be given by publication in a newspaper of general circulation in the place where the principal office of each merging bank is located, at least once a week for four successive weeks, and by mail, at least fifteen days before the date of the meeting, to each stockholder of record of each merging bank at his address on the books of his bank; no notice by publication need be given if written waivers are received from the holders of two-thirds of the outstanding shares of each class of stock. The notice shall state that dissenting stockholders will be entitled to payment of the value of only those shares which are voted against approval of the plan. [L. 1951, c. 198, s. 6.]

[Sec. 8151.] Section 7. **Effective date of merger; filing of approved agreement; certificate of merger as evidence.** (a) A merger which is to result in a territorial bank shall, unless a later date is specified in the agreement, become effective upon the filing with the treasurer of the executed agreement together with copies of the resolutions of the stockholders of each merging bank approving it, certified by the bank's president or a vice president and a secretary. The charters of the merging banks, other than the resulting bank, shall thereupon automatically terminate; (b) the treasurer shall thereupon issue to the resulting bank a certificate of merger specifying the name of each merging bank and the name of the resulting territorial bank. Such certificate shall be conclusive evidence of the merger and of the correctness of all proceedings therefor in all courts and places, and may be recorded in any office for the recording of deeds to evidence the new name in which the property of the merging banks is held. [L. 1951, c. 198, s. 7.]

[Sec. 8152.] Section 8. **Conversion of national into territorial bank.** (a) Except as provided in section 11 of this Act, a national bank located in this Territory which follows the procedure prescribed by the laws of the United States to convert into a territorial bank, shall be granted a territorial charter by the treasurer if the treasurer finds that the bank meets the standards as to location of offices, capital structure, and business experience and character of officers and directors for the incorporation of a territorial bank; (b) The national bank may apply for such charter by filing with the treasurer a certificate signed by its president and cashier and by a majority of the entire board of directors, setting forth the corporate action taken in compliance with the provisions of the laws of the United States governing the conversion of the national to a territorial bank, and the articles of incorporation, approved by the stockholders, for the government of the bank as a territorial bank. [L. 1951, c. 198, s. 8.]

[Sec. 8153.] Section 9. **Continuation of corporate entity; use of old name.** (a) A resulting territorial or national bank shall be the same business and corporate entity as each merging bank or as the converting bank with all the property, rights, powers, and duties of each merging bank or the converting bank, except as affected by the territorial law in the case of a resulting territorial bank or the federal law in the case of a resulting national bank, and by the charter and by-laws of the resulting bank; (b) A resulting bank shall have the right to use the name of any merging bank or of the converting bank whenever it can do any act under such name more conveniently; (c) Any reference to a merging or converting bank in any writing, whether executed or taking

effect before or after the merger or conversion, shall be deemed a reference to the resulting bank if not inconsistent with the other provisions of such writing. In all other respects the provisions of section 8372, Revised Laws of Hawaii 1945, shall be applicable to the extent that the same shall not be in contravention of federal law. [L. 1951, c. 198, s. 9.]

[**Sec. 8154.**] **Section 10. Dissenting stockholders.** (a) The owner of shares of a territorial bank which were voted against a merger to result in a territorial bank, or against the merger or conversion of a territorial bank into a national bank, shall be entitled to receive their value in cash, if and when the merger or conversion becomes effective, upon written demand, made to the resulting territorial or national bank at any time within thirty days after the effective date of the merger or conversion accompanied by the surrender of the stock certificates. The value of such shares shall be determined, as of the date of the shareholders' meeting approving the merger or conversion, by three appraisers, one to be selected by the owners of two-thirds of the shares involved, one by the board of directors of the resulting territorial or national bank, and the third by the two so chosen. The valuation agreed upon by any two appraisers shall govern. If the appraisal is not completed within ninety days after the merger or conversion becomes effective the treasurer shall cause an appraisal to be made; (b) The expenses of appraisal shall be paid by the resulting territorial or national bank; (c) The resulting territorial or national bank may fix an amount which it considers to be not more than the fair market value of the shares of a merging or the converting bank at the time of the stockholders' meeting approving the merger or conversion, which it will offer to pay dissenting shareholders of that bank entitled to payment in cash. The amount due under such accepted offer or under the appraisal shall constitute a debt of the resulting territorial or national bank. [L. 1951, c. 198, s. 10.]

[**Sec. 8155.**] **Section 11. Non-conforming assets or business.** If a merging or converting bank has assets which do not conform to the requirements of territorial laws for the resulting territorial bank, or carries on business activities which are not permitted for the resulting territorial bank, the treasurer may permit a reasonable time within which to conform with territorial law. [L. 1951, c. 198, s. 11.]

[**Sec. 8156.**] **Section 12. Book value of assets.** Without approval by the treasurer no asset shall be carried on the books of the resulting bank at a valuation higher than that on the books of the merging or converting bank at the time of its last examination by a

territorial or national bank examiner before the effective date of the merger or conversion. [L. 1951, c. 198, s. 12.]

Section 13. Severability. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of the Act are declared to be severable. The invalidity of any provision as to a national bank or as to the stockholders of a national bank shall not affect its validity as to a territorial bank or as to the stockholders of a territorial bank.

Section 14. Section 8029 of the Revised Laws of Hawaii 1945 is hereby amended by deleting the words "three-fourths" as the same may appear in the fifth line thereof and inserting in place of the same the words "two-thirds".

Section 15. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 28, 1951.) S.B. 434, Act 198.

Chapter 153. BUILDING AND LOAN ASSOCIATIONS.

Series C-187: ACT 293

An Act Amending Sections 8171, 8212 and 8216 of Chapter 153 of the Revised Laws of Hawaii 1945, as Amended, Relating to Building and Loan Associations.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 8171 of chapter 153 of the Revised Laws of Hawaii 1945 is hereby amended by amending the first paragraph thereof to read as follows:

"The term 'building and loan association', 'savings and loan association', 'building and loan company' or 'savings and loan company' shall mean and include any corporation organized for any one or more of the following purposes:"

Said section 8171 of chapter 153 of the Revised Laws of Hawaii 1945 is hereby further amended by amending the final paragraph thereof to read as follows:

"For the purposes of this chapter the word 'association' shall denote a 'building and loan association', a 'savings

and loan association' or a 'savings and loan company' and shall import a corporation." [L. 1927, c. 208, s. 1; R. L. 1935, s. 6650; R. L. 1945, s. 8171; am. L. 1951, c. 293, s. 1.]

Section 2. **Section 8212** of the Revised Laws of Hawaii 1945, as amended by Act 181, Session Laws of Hawaii 1947 is hereby amended by deleting the semicolon after the word "association" and before the word "provided" and inserting the following:

" , nor from paying a bonus dividend on an installment account which has been approved by the supervisory authorities ;".

Section 3. **Section 8212** of the Revised Laws of Hawaii 1945, as amended by Act 181, Session Laws of Hawaii 1947, is hereby amended by deleting the period in the last line of the first paragraph thereof and inserting thereafter the following:

" , and **provided**, however, that the rate of dividends apportioned and credited as a bonus dividend on installment stock shall not exceed one per centum more than the average rate of dividends apportioned and credited to other withdrawable stock entitled to dividends."

Section 4. **Section 8216** of the Revised Laws of Hawaii 1945 is hereby amended by deleting the semicolon after the word "accounts" in the fourteenth line thereof and inserting the following:

" , except a bonus dividend may be paid on an approved installment account for systematic savings ;".

Section 5. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved June 9, 1951.) H.B. 682, Act 293.

§ 8175. Member. AM. L. 1949, Act 67 [C-229].

Series C-188: ACT 82

An Act Amending Section 8193 of the Revised Laws of Hawaii 1945, Relating to Notaries Public Connected With Building and Loan Associations.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 8193** of the Revised Laws of Hawaii 1945 is hereby amended by deleting the words "and not being" as

the same appear in the third line thereof and inserting in place of the same the word "or".

Section 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 18, 1951.) H.B. 581, Act 82.

Series C-189: ACT 98

An Act Amending Section 8207 of the Revised Laws of Hawaii 1945, Relating to the Capital Stock of Building and Loan Associations.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 8207 of the Revised Laws of Hawaii 1945 is hereby amended by deleting the second, third and fourth paragraphs thereof and inserting in place of the same the following:

"The capital shall be paid in by the subscribers in such sums and at such times and in such manner as the by-laws shall provide.

Such payments may be considered, and are sometimes so referred to in this chapter as dues. A passbook or a certificate evidencing shares, shall be issued to each shareholder on the first payment of dues by him, **provided** that all fully paid or matured shares shall be represented by certificates. When the dues paid on any share, together with the dividends or profits apportioned thereto, shall equal the par value thereof, such share shall have reached its matured value."

Section 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 18, 1951.) H.B. 680, Act 98.

§ 8212. Restrictions on stock. AM. L. 1947, Act 181 [C-134]; am. L. 1951, Act 293 [C-187], *supra*.

Series C-190: ACT 89

An Act Amending Section 8215 of the Revised Laws of Hawaii 1945, Relating to Cash Reserves of Building and Loan Associations.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 8215** of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"[**Sec. 8215. Cash reserves.**] Every association shall have at all times, either in cash or in bonds representing direct United States government or direct territorial or county obligations, which cash or bonds shall not be pledged as security for the payment of any obligations of the association, an amount equal to five percent of the aggregate of the withdrawable value of the net paid in capital of the association. For purposes of this compilation 'net paid in capital' shall mean the aggregate of the book value of all shares, excepting guaranty shares, less the aggregate of share loans made in accordance with section 8223. The term 'cash' shall mean cash on hand and on deposit in banks, including federal home loan banks.

Whenever an association shall have on hand less available cash or bonds than required by this section, or when it shall owe borrowed money in excess of the limitations imposed by this chapter, it shall discontinue the making of any loans or other investments, except those for which its commitments have previously been issued, until a status complying with the provisions of this section shall be re-established." [L. 1931, c. 283, s. 3; R. L. 1935, s. 6662; R. L. 1945, s. 8215; am. L. 1951, c. 89, s. 1.]

Section 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 18, 1951.) **H.B. 681, Act 89.**

§ 8216. **Dividends.** Am. L. 1951, Act 293 [C-187], supra.

Series C-191: ACT 85

An Act to Amend Section 8218 of the Revised Laws of Hawaii 1945, Relating to Withdrawals from Building and Loan Associations.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 8218** of the Revised Laws of Hawaii 1945 is hereby amended by deleting the last paragraph thereof, and by amending the second paragraph thereof to read as follows:

"Shareholders or certificate holders desiring to make withdrawals in excess of one hundred dollars shall file with the association their written application therefor, and except in the event full payment of the withdrawal requested is made upon receipt of the application the association shall number and file the same in the order received. In the event the association exercises its right to defer payment of the withdrawal request, the association shall number such requests and maintain a permanent record in numerical order of requests for withdrawals of over one hundred dollars. Such record shall contain the date of request, the name of the person making the request, the number of the account, the date of payment and amount paid or other disposition of the request, **provided** that thirty days from the receipt of such application to withdraw, the association shall apply at least one-third of the receipts of the association from its shareholders and borrowers to the payment of such withdrawal applications in numerical order."

Section 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 18, 1951.) H.B. 585, Act 85.

Series C-192: ACT 83

An Act Amending Section 8222 of the Revised Laws of Hawaii 1945, Relating to Real Estate Loans of Building and Loan Associations.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 8222** of the Revised Laws of Hawaii 1945 is hereby amended by amending the first sentence thereof to read as follows:

"Ordinary loans shall be made only on home property in the territory, and shall be secured by mortgage on real

estate and improvements of such home, such mortgage not to exceed 75 per centum of the unencumbered appraised value thereof."

Section 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 18, 1951.) **H.B. 582, Act 83.**

§ 8222.01 Loans on homes on leased property. NEW, L. 1945, Act 98 [C-145]; AM. L. 1949, Act 67 [C-229].

Series C-193: ACT 84

An Act Amending Section 8225 of the Revised Laws of Hawaii 1945, Relating to Loans of Surplus Funds of Building and Loan Associations.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 8225** of the Revised Laws of Hawaii 1945, as amended by Act 181 of the Session Laws of 1947, is hereby further amended by deleting therefrom the words "When funds shall accumulate in excess of the demands from members for ordinary loans, such surplus funds may be loaned" as the same appear in the first and second lines thereof, and substituting therefor the words "Other loans may be made".

Section 2. **Section 8225** of the Revised Laws of Hawaii 1945, as amended by Act 181 of the Session Laws of 1947, is hereby further amended by deleting therefrom the words "the home of the borrower" as the same appear in the seventeenth line thereof, and substituting therefor the words "home property".

Section 3. **Section 8225** of the Revised Laws of Hawaii 1945, as amended by Act 181 of the Session Laws of 1947, is hereby further amended by deleting the words "at any time" as the same appear in the eighteenth line thereof, and substituting therefor the words "at the time any such loan is made".

Section 4. **Section 8225** of the Revised Laws of Hawaii 1945, as amended by Act 181 of the Session Laws of 1947, is hereby further amended by deleting the period in the nineteenth line of the first paragraph thereof and inserting thereafter the following:

"**provided**, further, that any real estate loan made pursuant to this section shall not be in an amount exceeding sixty-five per centum of the appraised value of the pledged real estate."

Section 5. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 18, 1951.) H.B. 583, Act 84.

§ 8225. Loans, surplus funds. AM. L. 1947, Act 181 [C-134].

Series C-194: ACT 269

An Act Amending Section 8227 of the Revised Laws of Hawaii 1945, Relating to Funds of Foreign Building and Loan Associations.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 8227 of the Revised Laws of Hawaii 1945, as amended by Act 181 of the Session Laws of Hawaii 1947, is hereby further amended by adding thereto a new paragraph to read as follows:

"All moneys, funds, securities, and other assets of foreign associations doing business in the territory representing investments of payments or investments by members or investors in accounts with the territorial office of such foreign associations, including mortgages on real estate located without the territory and the moneys invested therein pursuant to section 8225, shall, in the event of liquidation of any such association, and after payment of preferred claims adjudged to be preferred by the court having jurisdiction of any liquidation proceedings, be used first for repayments in full of payments or investments by members or investors maintaining accounts with the territorial office of such foreign association."

Section 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved June 7, 1951.) H.B. 584, Act 269.

§ 8227. Funds derived from territorial business. AM. L. 1949, Act 181 [C-134].

Series C-195: ACT 81

An Act Amending Section 8228 of the Revised Laws of Hawaii 1945, Relating to Restrictions on Loan of Building and Loan Associations.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 8228 of the Revised Laws of Hawaii 1945, as amended by Act 181 of the Session Laws of 1947, is hereby further amended by deleting the period at the end of the first paragraph thereof, and adding thereto the following:

“... or by the pledge of the withdrawal value of shares in the association.”

Section 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 18, 1951.) H.B. 580, Act 81.

§ 8228. Restrictions on loans; unlawful to make certain loans. AM. L. 1949, Act 181 [C-134].

Chapter 154. AGRICULTURAL COOPERATIVE ASSOCIATIONS.

§§ 8251-78. Agricultural co-operatives. AM. L. 1949, Act 234 [C-230], ch. 154 rewritten.

Chapter 155. CORPORATIONS.

§ 8304. Directors, qualifications of. AM. L. 1945, Act 143 [C-144].

Series C-196: ACT 117

An Act Relating to Corporations and Amending Section 8305 of the Revised Laws of Hawaii 1945, as Amended.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Subsection 5 of section 8305 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

“5. The names and addresses, both business and residence, of the persons who are to act as the initial directors and officers of the corporation.”

Section 2. This Act shall take effect upon its approval.

(Approved May 19, 1951.) H.B. 785, Act 117.

Series C-197: ACT 120

An Act Relating to Corporations and Amending
Section 8308 of the Revised Laws of Hawaii 1945.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 8308 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 8308. Affidavit. An affidavit sworn to by the president, secretary and treasurer of the corporation as named in the articles of association shall be filed in the office of the treasurer at the time of filing the articles of association, which affidavit shall set forth the number of authorized shares of the proposed corporation, the par value of such shares as have par value, the names of the subscribers for shares, the number of shares subscribed for by each subscriber, the subscription price or prices for the shares subscribed for by each subscriber, and the amount of the capital paid in cash by each subscriber. When an object of the corporation is to acquire the assets and business of any existing enterprise in exchange for the issuance of shares of the capital stock of the corporation or when it is proposed that in excess of fifty per centum of the authorized shares of the corporation are to be issued for property and services or either, the affidavit shall also contain a summary description of the assets and business to be so acquired or of such property or services and a valuation of such assets. Upon the filing of the articles of association and before the commencement of business in the territory, the corporation shall file a supplemental affidavit showing that three-fourths of its authorized capital stock has been subscribed for, and showing also that ten per centum of its authorized capital stock has been paid in by the acquisition of cash or property, and showing also the number of shares subscribed for by each subscriber, the subscription price or prices for the shares subscribed for by each subscriber, the amount of the capital paid in by each subscriber, and the manner in which the same has been paid in (cash, services or property), and also attaching executed copies of the instrument or instruments of transfer by which the corporation has acquired the assets and business or property of an existing enterprise or other property in exchange for the issuance of shares of the capital stock of the corporation where applicable." [L. 1890,

c. 43, s. 4; R. L. 1925, s. 3335; R. L. 1935, s. 6714; am. L. 1939, c. 78, s. 3; R. L. 1945, s. 8308; am. L. 1951, c. 120, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 19, 1951.) H.B. 811, Act 120.

Series C-198: ACT 118

An Act Relating to Eleemosynary Corporations
and Amending Sections 8311 and 8312 of the Revised
Laws of Hawaii 1945.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 8311** of the Revised Laws of Hawaii 1945 is hereby amended by deleting the words and comma "either aggregate or sole," appearing in lines 3 and 4 thereof.

Section 2. **Section 8312** of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(a) By amending the first sentence thereof to read as follows:

"Any number of persons not less than five, a majority of whom are residents of the territory, desiring to obtain a charter of incorporation for the purposes set forth in section 8311, shall sign and verify a petition therefor to the treasurer."

(b) By amending line 10 thereof to read as follows:

"The number and names and addresses, both residence and business, of the officers and directors, or similar officers;"

(c) By amending the second to the last sentence thereof to read as follows:

"A proposed form of the charter of incorporation which shall conform to the petition in every respect and may contain additional provisions not in conflict with the petition nor in conflict with law shall be filed with the petition."

Section 3. This Act shall take effect upon its approval.

(Approved May 19, 1951.) H.B. 808, Act 118.

§ 8325. Rep. (?) L. 1947, Act 124 [C-136], s. 24.

§§ 8325.01-.26. Stock transfer. NEW, L. 1947, Act 124 [C-136].

§§ 8332.01-.04. Meetings, etc. NEW, L. 1945, Act 228 [C-146].

§ 8335. By-laws. Am. L. 1947, Act 225 [C-137], rewritten p. 307.

§ 8340.01. Donations, pensions, etc. NEW, L. 1947, Act 104 [C-138].

§ 8340.02. Fiduciary stockholder. NEW, L. 1947, Act 105 [C-139].

§ 8349. Annual exhibit, exceptions; inspection by whom; penalty. Am. L. 1949, Act 191 [C-231].

Series C-199: ACT 80

An Act to Amend Section 8351 of Chapter 155 of the Revised Laws of Hawaii 1945, Relating to Corporations.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 8351 of chapter 155 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 8351. Amount. On filing, in the office of the treasurer, any certificate or other document relating to corporations, the treasurer shall charge the following fees: 1. For certificate of incorporation, twenty cents for each thousand dollars of the total amount of capital stock authorized, but in no case less than thirty-five dollars; 2. increase of authorized capital stock, twenty cents for each thousand dollars of the total increase, but in no case less than twenty dollars; 3. co-partnerships of corporations, twenty cents for each thousand dollars of capital authorized beyond the total authorized capital of the corporations composing such co-partnerships, but in no case less than twenty-five dollars; 4. extension or renewal of corporate existence, twenty cents for each thousand dollars of the total amount of capital stock authorized, but in no case less than thirty-five dollars; 5. for reduction of capital stock, increase or decrease of par value or of number of shares, or any amendment to the articles of association, (other than those authorizing increase of capital stock), twenty-five dollars; 6. for filing annual exhibit of domestic and foreign stock corporations, ten dollars; 7. for voluntary dissolution of a corporation, including the appointment of a trustee or trustees, five dollars; 8. for involuntary dissolution of a corporation, no charge; 9. for recording reduction of capital stock, increase or decrease of par value or of number of shares, articles of association, charters of incorporation, amendments to articles of charters (other than those authorizing increase of capital stock), one dollar and twenty-five cents per page or portion thereof; **provided,** that none of these fees, except the fee for recording, shall be required to be paid by any religious, charitable, educational or other corporation which does not issue shares of capital stock, or by any other corporation which is not organized for pecuniary profit." [L. 1905, c. 91, s. 1; am. L. 1907, c. 74, s. 1; am. L. 1915, c. 58, s. 1; am. L. 1917, c. 207, s. 1; am. L. 1921, c. 34, s. 1; R. L. 1925, s. 3367; R. L. 1935, s.

INVOLUNTARY DISSOLUTION—REINSTATEMENT AFTER Sr. C-200-201

6753; am. L. 1939, c. 48, s. 2; R. L. 1945, s. 8351; am. L. 1951, c. 80, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 18, 1951.) **H.B. 406, Act 80.**

§ 8352. Voluntary dissolution. Am. L. 1947, Act 176 [C-140].

Series C-200: ACT 119

An Act Relating to Corporations and Enacting
a New Section of the Revised Laws of Hawaii 1945
Regarding Corporations Involuntarily Dissolved.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. There is hereby enacted a new section of chapter 155 of the Revised Laws of Hawaii 1945 to be numbered and to read as follows:

"Sec. 8358. Reinstatement of involuntarily dissolved corporations. Within ninety days after the involuntary dissolution of a corporation under the provisions of section 8353, the said corporation may be reinstated by the treasurer upon application executed and verified by the president and secretary or other authorized officers of the corporation setting forth such information as the treasurer may require, and the payment of all delinquent fees, penalties, assessments and taxes, and costs of involuntary dissolution, and the filing of all exhibits due and unfiled." [L. 1951, c. 119, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 19, 1951.) **H.B. 809, Act 119.**

Chapter 157. CORPORATIONS, FOREIGN.

Series C-201: ACT 294

An Act Relating to Foreign Corporations and
Amending Section 8391 of the Revised Laws of Hawaii
1945.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 8391 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 8391. Declarations; local agents; bonds. A. Every corporation or incorporated company formed or organized

under the laws of any other territory, possession or state of the United States or of any foreign state or country, which shall undertake to do or carry on any intrastate business in the territory or to take, hold, sell, demise, or convey real estate or any other property therein, shall file in the office of the treasurer of the territory:

1. A declaration sworn to on oath by two authorized officers of the corporation stating:

- a. The name of the corporation.
- b. The state wherein it was incorporated.
- c. The location and address of its principal office.
- d. The location and address of its branch office or offices in the territory.
- e. The names and addresses of its officers and directors.
- f. The amount of its paid up capital stock.
- g. The total value of the property owned and used by it in its business.
- h. The nature and total value of the property to be acquired by it for use in the territory.
- i. The total dollar amount of business transacted by it during its preceding fiscal year.
- j. The nature and actual method of the business to be transacted within the territory.
- k. The name and business address of the person residing within the territory upon whom legal notice and process from the courts of the territory, or notices from officials of the territory, may be served.

2. A copy of the articles of association, charter, or act of incorporation of the corporation as amended to the date of the declaration, certified to by the proper officer of the state where the corporation was organized, which certificate shall also state that the corporation is in good standing if such be the fact.

3. A copy of the by-laws of the corporation, as amended to the date of the declaration, certified to by the proper officer of the corporation.

4. A good and sufficient bond or bonds with one or more sureties to be approved by the treasurer, and running to the treasurer and his successors in office, in a sum or sums to be fixed by the treasurer in his sound discretion, but not more than ten per centum of the capital stock of the corporation or fifty thousand dollars, whichever is less, with condition that the surety or sureties on such bond or bonds shall be answerable in the amount of the bond or bonds for all judg-

ments, decrees, or orders given, made, or rendered against the principal on the bond or bonds by any of the courts of the territory for the payment of money; **provided**, however, that the treasurer may require such bond to be in the sum of not less than one thousand dollars, or may waive the requirements of such bond if in his judgment any such corporation shall own or hold property within the territory in value sufficient to equal the amount of any bond or bonds which would otherwise be required or shall be an established corporation which has not defaulted on any obligation due from it for a period of at least ten years prior to the date of the declaration. The treasurer may from time to time review and re-determine the requirement of this subsection as if a declaration were being filed at the time of such review and re-determination, and increase or reduce or waive the bond or bonds required, as appropriate, or accept other or different bonds under such conditions as he may require and determine. The surety or sureties on any such bond may withdraw from the same upon giving to the treasurer notice not less than sixty days prior to the date on which the then existing annual license of such foreign corporation is to expire; **provided**, however, that such surety or sureties shall remain liable on the bond for all judgments, decrees or orders given, made or rendered against the principal pursuant to the provisions of this section, based upon any obligation or liability incurred prior to the date of expiration of such annual license.

B. Every corporation or incorporated company formed or organized under the laws of any other territory, possession or state of the United States or of any foreign state or country, which shall engage in any interstate or foreign commerce in the territory, and which shall not undertake to do or carry on any intrastate business in the territory or to take, hold, sell, demise, or convey real estate or any other property therein, shall file in the office of the treasurer of the territory a declaration on forms to be furnished by the treasurer sworn to on oath by two authorized officers of the corporation, stating:

- a. The name of the corporation.
- b. The state wherein it was incorporated.
- c. The location and address of its principal office.
- d. The location and address of its branch office or offices in the territory.
- e. The name and address of its resident manager or local representative in the territory.

f. The nature and actual method of the business to be transacted within the territory.

g. The name and business address of the person residing within the territory upon whom notice and process from the courts of the territory, or notices from officials of the territory, may be served.

C. Whenever any change shall occur in any of the facts set forth in any declaration or statement filed under this section, or any amendment to the charter, articles of association, act of incorporation, or by-laws so filed shall have been effected, or in the resident agent designated to accept service of notices and process, a verified statement setting forth such change or a certified copy of any such amendment shall be filed with the treasurer in the same manner as for or in connection with an original declaration.

D. The declaration of no corporation required to file a declaration under this section shall be accepted by the treasurer if the name of such corporation is the same as the name of any corporation or copartnership, domestic or foreign, previously authorized or qualified to do business under the laws of the territory, or with any trade name previously registered under the laws of the territory, or so nearly similar thereto as to lead to confusion and uncertainty.

E. In case of any breach of the condition of any bond given under the provisions of this section, the treasurer may, and upon demand and the receipt of satisfactory assurance for the payment of costs shall, enforce the bond either in his own name or in the name of any person as obligee therein by appropriate proceedings in any court of competent jurisdiction for the use and benefit of any person injured by such breach.

F. The provisions of sections 8392 to 8398, both inclusive, shall not apply to corporations filing declarations under paragraph B of this section, but such corporations shall pay a fee of one dollar to the treasurer upon filing such declaration." [L. 1898, c. 45, s. 1; am. L. 1903, c. 88, s. 1; am. L. 1915, c. 201, s. 1; R. L. 1925, s. 3494; am. L. 1933, c. 162, s. 1; R. L. 1935, s. 6770; am. L. 1937, c. 92, s. 1; R. L. 1945, s. 8391; am. L. 1951, c. 294, s. 1.]

Section 2. This Act shall take effect on July 1, 1951.

(Approved June 9, 1951.) H.B. 855, Act 294.

Series C-202; ACT 124

An Act Relating to Foreign Corporations and Amending Section 8395 of the Revised Laws of Hawaii 1945.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 8395 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 8395. Annual exhibit, failure to file, etc. Every corporation or incorporated company qualifying under this chapter, except as otherwise provided, shall file with the treasurer a full and accurate exhibit of its state of affairs within one hundred eighty days immediately following the end of its fiscal period; **provided**, however, that no list of the stockholders of the corporation or company shall be required, except upon the joint request of the treasurer and governor. If any such corporation shall have failed or neglected, for a period of two years, to file an annual exhibit as required by law, the treasurer may cancel the registration of such corporation, and thereafter such corporation shall be deemed no longer qualified under this chapter to transact business in this territory and shall not be registered hereunder except upon compliance with the provisions hereof as if for the first time." [L. 1898, c. 45, s. 3; am. L. 1919, c. 16, s. 1; am. L. 1923, c. 24, s. 1; R. L. 1925, s. 3478; R. L. 1935, s. 6774; am. L. 1937, c. 91, s. 1; R. L. 1945, s. 8395; am. L. 1951, c. 124, s. 1.]

Section 2. This Act shall take effect on July 1, 1951.

(Approved May 19, 1951.) **H.B. 849, Act 124.**

Chapter 160. FIDUCIARIES AND INVESTMENTS.

PART II. LOANS AND INVESTMENTS, SPECIAL.

§ 8438. Mortgages and loans insured under federal laws; exempt from territorial requirements. Am. L. 1945, Act 223 [C-147]; AM. L. 1949, Act 118 [C-232]; AM. Sp. L. 1949, Act 17 [C-33].

§ 8444. Loans secured by mortgages insured under Title I of the Bankhead-Jones Farm Tenant Act, as amended. NEW, L. 1949, Act 340 [C-233].

Chapter 160 A. FIDUCIARIES, UNIFORM ACT.

§§ 8445.01-.14. Fiduciaries Act. NEW, L. 1945, Act 197 [C-148].

Chapter 161. INSURANCE COMPANIES AND
INSURANCE LAW.

§ 8460. Fees. Am. L. 1945, Act 240 [C-149]; AM. L. 1949, Act 209 [C-234].

Series C-203: ACT 176

An Act Amending Chapter 161 of the Revised Laws of Hawaii 1945, as Amended, Relating to Insurance.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 161 of the Revised Laws of Hawaii 1945, is hereby further amended in the following respects:

(a) By amending the definition of "subagent" in section 8461* thereof to read as follows:

"**Subagent** designates a corporation, association, partnership or individual, or an officer, member or employee thereof, who is authorized by and on behalf of a general agent to transact the business of insurance, who maintains a separate office and records required in section 8505A, who, if he appoints solicitors, must have on file with the insurance commissioner a power of attorney to appoint solicitors and who holds a subagency appointment from any general agent licensed in the territory; **provided**, however, that a subagent may not represent more than one general agent for the selling of life insurance."

(b) By amending the first paragraph of subparagraph (3) of section 8504 thereof, as amended, to read as follows:

"(3) The commissioner may approve a course of study and training for individuals who desire a solicitor's license. If he agrees in writing with the commissioner to take such course, such individual thereby agrees that he may be licensed (prior to the completion of the course) only if he intends to and does make the soliciting and handling of insurance business under his license his principal vocation, and if his knowledge relative to the classes of insurance which

he may deal with, and of the duties and responsibilities of, and laws of this territory applicable to, a solicitor, in the opinion of the commissioner, warrants such issuance, and that if he is so licensed prior to the completion of the course, the issuance is subject to the successful continuance and completion of the course and the license may be revoked for failure to do so."

(c) By amending section 8505 thereof to read as follows:

"Sec. 8505. Additional conditions. No general agent's, subagent's or solicitor's license shall be granted or renewed for any person, firm, or corporation unless the commissioner shall have been satisfied that such license is not being requested exclusively for the purpose of insuring the life, property or risks of such person, firm or corporation, or the life, property or risks of such person's immediate family, those of his spouse or relatives by blood or marriage to the second degree, or employer. In the case of renewal, this shall be construed to mean that during the year preceding the application for such renewal, the licensee seeking such renewal shall have written or placed insurance totaling a volume of premiums on insurance for others, greater than the total volume of premiums on insurance which the said licensee shall have written or placed upon his own property or risks or upon the life, property or risks of his employer or immediate family, those of his spouse or relatives by blood or marriage to the second degree." [L. 1939, c. 263, pt. of s. 1(1); R. L. 1945, s. 8505; am. L. 1951, c. 176, s. 1(c).]

Section 2. This Act shall take effect upon its approval.

(Approved May 26, 1951.) H.B. 1025, Act 176.

* § 8461. Insurance terms defined. Am. L. 1947, Act 89 [C-141]; am. L. 1949, Act 209 [C-234].

§ 8463. Kinds of insurance. Am. L. 1947, Act 90 [C-142], Act 60 [C-145], Act 61 [C-146]; am. L. 1949, Act 209 [C-234].

§ 8470. Qualification of insurance companies; agent; process; bond, etc. Am. L. 1949, Act 209 [C-234].

§ 8481. Withdrawal of a foreign or alien company. Am. L. 1949, Act 209 [C-234].

§ 8486. Over-insurance and over-payment of loss prohibited; penalties. AM. L. 1947, Act 90 [C-142].

§ 8487. Annual tax statement; taxes, penalty. Am. L. 1945, Act 240 [C-149], rewritten pp. 247-8.

§ 8490.01. Restrictions on the powers of insurance of domestic companies. NEW, L. 1945, Act 240 [C-149]; am. L. 1947, Act 89 [C-141].

Series C-204: ACT 297

An Act Amending Chapter 161 of the Revised Laws of Hawaii 1945, as Amended, Relating to Insurance.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 161 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended in the following respects:

1. By amending **section 8502*** thereof, as amended, by substituting for the period at the end thereof a comma and adding the following:

"and shall not apply to general agents, subagents or solicitors licensed for any class of insurance in the sale, solicitation or transaction of life insurance used to provide funds to cover burial expenses only payable to a funeral director."

2. By amending **section 8504*** thereof, as amended, by amending subsection (2) by adding at the end thereof a new paragraph which shall read as follows:

"Insurance used to provide funds to cover burial expenses only payable to a funeral director shall not be construed as the same line of insurance as life insurance within the provisions of this subsection."

3. By amending **section 8506**, as amended, in the following particulars:

(a) By amending the first paragraph of said section to read as follows:

"Sec. 8506.* Examinations. If the applicant has not been licensed in the Territory of Hawaii as a general agent, subagent, or solicitor within one year prior to date of such application, the commissioner shall require such applicant, if a person, and one or more members or officers designated by it if a firm, to submit to the written examination for the pertinent classification covering all the kinds of insurance or contracts which the license, if granted, will permit the applicant to offer, **provided**, however, that any licensee who has entered into the service of the armed forces need not procure renewals of licenses during such service and may procure a new license by making application therefor within a period of one year after honorable termination of such service. The commissioner may at any time require any licensed general agent, subagent, solicitor, non-resident agent, or adjustor to take and successfully pass an examination testing his competence and qualifications as a condition to the continuance

or renewal of his license, if the licensee has been guilty of violation of this chapter."

(b) By substituting for the period at the end of said section a comma and adding the following:

"and shall not apply to general agents, subagents or solicitors licensed for any class of insurance in the sale, solicitation or transaction of life insurance used to provide funds to cover burial expenses only payable to a funeral director.

The commissioner may appoint an advisory board to make recommendations to him with respect to the scope, type, and conduct of written examinations under the applicable laws of the territory of Hawaii and the times and places in the territory where they shall be held. The advisory board, if appointed, shall consist of qualified persons selected from among insurance company officers and employees, general agents and managers, and licensed life insurance solicitors on such basis as to provide fair representation as to the various types of insurers. The members of the advisory board shall serve without pay."

Section 2. This Act shall take effect upon its approval.

(Approved June 9, 1951.) H.B. 1026, Act 297.

* § 8502. No agent to transact business without a license. AM. L. 1949, Act 209 [C-234].

* § 8504. Applications, examinations and restrictions. Am. L. 1945, Act 240 [C-149]; AM. L. 1949, Act 209 [C-234]; am. L. 1951, Act 176 [C-203]; Act 297 [C-204].

§ 8505. Additional conditions. AM. L. 1951, Act 176 [C-203], supra.

§ 8505-A. Commingling of funds and maintaining adequate records. NEW, L. 1949, Act 209 [C-234].

* § 8506. Examinations. Am. L. 1945, Act 240 [C-149]; AM. L. 1949, Act 209 [C-234].

§ 8508. Renewals. AM. L. 1949, Act 209 [C-234].

§ 8509. Rep. L. 1949, Act 209 [C-234].

§ 8511. Surplus lines license; bond; restrictions; taxes; violations. Am. L. 1949, Act 369 [C-235].

§ 8514. N. Y. form. Am. L. 1945, Act 240 [C-149]; am. L. 1947, Act 89 [C-141].

§ 8516. Adjuster's license. Am. L. 1947, Act 89 [C-141].

§§ 8517-19. Rep. L. 1947, Act 61 [C-146].

§ 8520. Discrimination, etc. AM. L. 1947, Act 61 [C-146].

§§ 8521-23. Rep. L. 1947, Act 61 [C-146].

§ 8524. Information, etc. AM. L. 1947, Act 89 [C-141].

§ 8526. Fire marshal, rules. Am. L. 1949, Act 364 [C-236], rewritten p. 537.

§ 8533.01. Plans, etc. NEW, L. 1945, Act 166 [C-150].

§ 8541 (3). Incontestibility. Am. L. 1945, Act 240 [C-149]; am. L. 1949, Act 209 [C-234].

§ 8541 (6, 7). Loans, default. Am. L. 1947, Act 221 [C-143].

Series C-205: ACT 246

An Act to Amend Chapter 161, Revised Laws of Hawaii 1945, By Amending Section 8541.01 to Add An Additional Classification Eligible For Group Life Insurance.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 161, Revised Laws of Hawaii 1945, as amended, is further amended by adding to **section 8541.01*** concerning group life insurance definition and standard provisions the following Part (5) after Part (4) (d):

“(5) A policy issued to an association of public employees, which association shall be deemed the policyholder, to insure members of such association for the benefit of persons other than the association or any of its officials, subject to the following requirements:

(a) The association must have been formed for purposes other than obtaining insurance and having when the policy is placed in force, a membership in the classes eligible for insurance of not less than 75% of the number of employees eligible for membership in such classes.

(b) The persons eligible for insurance under the policy shall be all of the members of the association, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the association, or both.

(c) The premium for the policy shall be paid by the policyholder, either from the association's own funds, or from charges collected from the insured members specifically for the insurance, or from both. Any charges collected from the insured members specifically for the insurance, and the dues of the association if they include the cost of insurance, may be collected through deductions by the employer from the salaries of the members. Such deductions from salary may be paid by the employer to the association or directly to the insurer. No policy may be placed in force unless and until at least 75% of the then eligible members of the association, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, have elected to be covered and have authorized their employer to make the required deductions from salary. A policy on which no part of the premium is to be derived from funds contributed by the insured members specifically for their insurance must insure

all eligible members, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(d) Charges collected from the insured members specifically for the insurance, and the dues of the association if they include the cost of insurance, may be determined according to each attained age or in not less than four reasonably spaced attained age groups. This provision, however, shall not preclude an average rate for the whole group with charges to the individual members based on a schedule of insurance graded by rank, salary bracket, or by length of service or seniority.

(e) The policy must cover at least 25 persons at date of issue.

(f) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the members or by the association. No policy may be issued which provides term insurance on any member which together with any other term insurance under any group life insurance policy or policies issued to the association, exceeds \$20,000.00.

(g) As used herein, 'public employees' means employees of the United States government or of any State, or of the Territory of Hawaii, or of any political subdivision or instrumentality or department or bureau or board or commission of any of them, or the National Guard as an association in nature under its existing form."

Section 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 28, 1951.) S.B. 549, Act 246.

* § 8541.01. Group life insurance definition and standard provisions. NEW, L. 1949, Act 388 [C-237].

§ 8542 (1). Life ins. Am. L. 1947, Act 221 [C-143], rewritten p. 325.

§ 8544. Life insurance policies, valuation. AM. L. 1947, Act 221 [C-143].

§ 8545. Proceeds of insurance policy exempt from execution, etc., exceptions. Am. L. 1945, Act 240 [C-149].

§§ 8546.01-.05. Assignments. NEW, L. 1947, Act 182 [C-144].

§ 8546.06. Industrial, etc. NEW, L. 1949, Act 209 [C-234].

Series C-206: ACT 241

An Act Amending Chapter 161 of the Revised Laws of Hawaii 1945, as Amended, by Adding a New Section Thereto Defining Uniform Individual Accident and Sickness Policy Provisions.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. That chapter 161 of the Revised Laws of Hawaii 1945, as amended, is further amended by adding section 8546.07 thereto, to read as follows:

"Sec. 8546.07. Uniform individual accident and sickness policy provisions law.

1. Definition of accident and sickness insurance policy:

The term 'policy of accident and sickness insurance' as used herein includes any policy or contract covering accident, health and disability insurance defined in section 8463 of the Revised Laws of Hawaii 1945, as amended.

2. Form of policy.

(A) No policy of accident and sickness insurance shall be delivered or issued for delivery to any person in this territory unless:

(1) The entire money and other considerations therefor are expressed therein; and

(2) The time at which the insurance takes effect and terminates is expressed therein; and

(3) It purports to insure only one person, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policyholder, any two or more eligible members of that family, including husband, wife, dependent children or any children under a specified age which shall not exceed nineteen years and any other person dependent upon the policyholder; and

(4) The style, arrangement and overall appearance of the policy give no undue prominence to any portion of the text, and unless every printed portion of the text of the policy and of any endorsements or attached papers is plainly printed in lightfaced type of a style in general use, the size of which shall be uniform and not less than ten-point with a lower case unspaced alphabet length not less than one hundred and twenty-point (the 'text' shall include all printed matter except the name and address of the insurer, name or title of the policy, the brief description, if any, and captions and subcaptions); and

(5) The exceptions and reductions of indemnity are set forth in the policy, and except those which are set forth in section 3 of this Act, are printed, at the insurer's option, either included with the benefit provision to which they apply, or under an appropriate caption such as 'EXCEPTIONS', or 'EXCEPTIONS AND REDUCTIONS', **provided** that if an exception or reduction specifically applies only to a particular benefit of the policy a statement of such exception or reduction shall be included with the benefit provision to which it applies; and

(6) Each such form including riders and endorsements, shall be identified by a form number in the lower left hand corner of the first page thereof; and

(7) It contains no provision purporting to make any portion of the charter, rules, constitution or by-laws of the insurer a part of the policy unless such portion is set forth in full in the policy, except in the case of the incorporation of, or reference to, a statement of rates or classification of risks, or short rate table filed with the commissioner.

(B) If any policy is issued by an insurer domiciled in this territory for delivery to a person residing in another territory, district or state of the United States, and if the official having responsibility for the administration of the insurance laws of such state, district or other territory shall have advised the commissioner that any such policy is not subject to approval or disapproval by such official, the commissioner may by ruling require that such policy meet the standards set forth in subsection (A) of this section and in section 3.

3. Accident and sickness policy provisions.

(A) Required provisions.

Except as provided in paragraph (C) of this section each such policy delivered or issued for delivery to any person in this territory shall contain the provisions specified in this subsection in the words in which the same appear in this section; **provided**, however, that the insurer may, at its option, substitute for one or more of such provisions corresponding provisions of different wording approved by the commissioner which are in each instance not less favorable in any respect to the insured or the beneficiary. Such provisions shall be preceded individually by the caption appearing in this subsection or, at the option of the insurer, by such appropriate individual or group captions or subcaptions as the commissioner may approve.

(1) A provision as follows:

Entire contract; changes. This policy, including the endorsements and the attached papers, if any, constitutes the entire contract of insurance. No change in this policy shall be valid until approved by an executive officer of the insurer and unless such approval be endorsed hereon or attached hereto. No agent has authority to change this policy or to waive any of its provisions.

(2) A provision as follows:

Time limit on certain defenses. (a) After three years from the date of issue of this policy no misstatements, except fraudulent misstatements, made by the applicant in the application for such policy shall be used to void the policy or to deny a claim for loss incurred or disability (as defined in the policy) commencing after the expiration of such three year period.

(The foregoing policy provision shall not be so construed as to affect any legal requirement for avoidance of a policy or denial of a claim during such initial three year period, nor to limit the application of section 3 (B) (1), (2), (3), (4) and (5) in the event of misstatement with respect to age or occupation or other insurance.)

(A policy which the insured has the right to continue in force subject to its terms by the timely payment of premium (1) until at least age 50 or (2) in the case of a policy issued after age 44, for at least five years from its date of issue, may contain in lieu of the foregoing the following provision (from which the clause in parentheses may be omitted at the insurer's option) under the caption 'Incontestable':

'After this policy has been in force for a period of three years during the lifetime of the insured (excluding any period during which the insured is disabled), it shall become incontestable as to the statements contained in the application'.)

(b) No claim for loss incurred or disability (as defined in the policy) commencing after three years from the date of issue of this policy shall be reduced or denied on the ground that a disease or physical condition not excluded from coverage by name or specific description effective on the date of loss had existed prior to the effective date of coverage of this policy.

(3) A provision as follows:

Grace period: A grace period of (insert a number not less than '7' for weekly premium policies, '10' for monthly

premium policies and '31' for all other policies) days will be granted for the payment of each premium falling due after the first premium, during which grace period the policy shall continue in force. (A policy which contains a cancellation provision may add, at the end of the above provision, 'subject to the right of the insurer to cancel in accordance with the cancellation provision thereof.' A policy in which the insurer reserves the right to refuse any renewal shall have, at the beginning of the above provision, 'Unless not less than five days prior to the premium due date the insurer has delivered to the insured or has mailed to his last address as shown by the records of the insurer written notice of its intention not to renew this policy beyond the period for which the premium has been accepted,').

(4) A provision as follows:

Reinstatement: If any renewal premium be not paid within the time granted the insured for payment, a subsequent acceptance of premium by the insurer or by any agent duly authorized by the insurer to accept such premium, without requiring in connection therewith an application for reinstatement, shall reinstate the policy; **provided**, however, that if the insurer or such agent requires an application for reinstatement and issues a conditional receipt for the premium tendered, the policy shall be reinstated upon approval of such application by the insurer or, lacking such approval, upon the forty-fifth day following the date of such conditional receipt unless the insurer has previously notified the insured in writing of its disapproval of such application. The reinstated policy shall cover only loss resulting from such accidental injury as may be sustained after the date of reinstatement and loss due to such sickness as may begin more than ten days after such date. In all other respects the insured and insurer shall have the same rights thereunder as they had under the policy immediately before the due date of the defaulted premium, subject to any provisions endorsed hereon or attached hereto in connection with the reinstatement. Any premium accepted in connection with a reinstatement shall be applied to a period for which premium has not been previously paid, but not to any period more than sixty days prior to the date of reinstatement. (The last sentence of the above provision may be omitted from any policy which the insured has the right to continue in force subject to its terms by the timely payment of premiums (1) until at least age 50 or (2) in the case of a policy issued after age 44, for at least five years from its date of issue.)

(5) A provision as follows:

Notice of claim: Written notice of claim must be given to the insurer within twenty days after the occurrence or commencement of any loss covered by the policy, or as soon thereafter as is reasonably possible. Notice given by or on behalf of the insured or the beneficiary to the insurer at

(insert the location of such office as the insurer may designate for the purpose), or to any authorized agent of the insurer, with information sufficient to identify the insured, shall be deemed notice to the insurer. (In a policy providing a loss of time benefit which may be payable for at least two years, an insurer may at its option insert the following between the first and second sentences of the above provision:

'Subject to the qualifications set forth below, if the insured suffers loss of time on account of disability for which indemnity may be payable for at least two years, he shall, at least once in every six months after having given notice of claim, give to the insurer notice of continuance of said disability, except in the event of legal incapacity. The period of six months following any filing of proof by the insured or any payment by the insurer on account of such claim or any denial of liability in whole or in part by the insurer shall be excluded in applying this provision. Delay in the giving of such notice shall not impair the insured's right to any indemnity which would otherwise have accrued during the period of six months preceding the date on which said notice is actually given.')

(6) A provision as follows:

Claim forms: The insurer, upon receipt of a notice of claim, will furnish to the claimant such forms as are usually furnished by it for filing proofs of loss. If such forms are not furnished within fifteen days after the giving of such notice the claimant shall be deemed to have complied with the requirements of this policy as to proof of loss upon submitting, within the time fixed in the policy for filing proofs of loss, written proof covering the occurrence, the character and the extent of the loss for which claim is made.

(7) A provision as follows:

Proofs of loss: Written proof of loss must be furnished to the insurer at its said office in case of claim for loss for which this policy provides any periodic payment contingent upon continuing loss within ninety days after the termination of the period for which the insurer is liable and in case of claim for any other loss within ninety days after

the date of such loss. Failure to furnish such proof within the time required shall not invalidate nor reduce any claim if it was not reasonably possible to give proof within such time, provided such proof is furnished as soon as reasonably possible and in no event, except in the absence of legal capacity later than one year from the time proof is otherwise required.

(8) A provision as follows:

Time of payment of claims: Indemnities payable under this policy for any loss other than loss for which this policy provides any periodic payment will be paid immediately upon receipt of due written proof of such loss. Subject to due written proof of loss, all accrued indemnities for loss for which this policy provides periodic payment will be paid (insert period for payment which must not be less frequently than monthly) and any balance remaining unpaid upon the termination of liability will be paid immediately upon receipt of due written proof.

(9) A provision as follows:

Payment of claims: Indemnity for loss of life will be payable in accordance with the beneficiary designation and the provisions respecting such payment which may be prescribed herein and effective at the time of payment. If no such designation or provision is then effective, such indemnity shall be payable to the estate of the insured. Any other accrued indemnities unpaid at the insured's death may, at the option of the insurer, be paid either to such beneficiary or to such estate. All other indemnities will be payable to the insured. (The following provisions, or either of them, may be included with the foregoing provision at the option of the insurer:

'If any indemnity of this policy shall be payable to the estate of the insured, or to an insured or beneficiary who is a minor or otherwise not competent to give a valid release, the insurer may pay such indemnity, up to an amount not exceeding \$ (insert an amount which shall not exceed \$1000), to any relative by blood or connection by marriage of the insured or beneficiary who is deemed by the insurer to be equitably entitled thereto. Any payment made by the insurer in good faith pursuant to this provision shall fully discharge the insurer to the extent of such payment. Subject to any written direction of the insured in the application or otherwise all or a portion of any indemnities provided by this policy on account of hospital, nursing, medical, or surgical services may, at the insurer's option and unless the insured requests otherwise in writing not later than the time of filing proofs

of such loss, be paid directly to the hospital or person rendering such services; but it is not required that the service be rendered by a particular hospital or person.')

(10) A provision as follows:

Physical examinations and autopsy: The insurer at its own expense shall have the right and opportunity to examine the person of the insured when and as often as it may reasonably require during the pendency of a claim hereunder and to make an autopsy in case of death where it is not forbidden by law.

(11) A provision as follows:

Legal actions: No action at law or in equity shall be brought to recover on this policy prior to the expiration of sixty days after written proof of loss has been furnished in accordance with the requirements of this policy. No such action shall be brought after the expiration of three years after the time written proof of loss is required to be furnished.

(12) A provision as follows:

Change of beneficiary: Unless the insured makes an irrevocable designation of beneficiary, the right to change of beneficiary is reserved to the insured and the consent of the beneficiary or beneficiaries shall not be requisite to surrender or assignment of this policy or to any change of beneficiary or beneficiaries, or to any other changes in this policy.

(The first clause of this provision, relating to the irrevocable designation of beneficiary, may be omitted at the insurer's option.)

(B) Other provisions.

Except as provided in paragraph (C) of this section, no such policy delivered or issued for delivery to any person in this territory shall contain provisions respecting the matters set forth below unless such provisions are in the words in which the same appear in this section; **provided**, however, that the insurer may, at its option, use in lieu of any such provision a corresponding provision of different wording approved by the commissioner which is not less favorable in any respect to the insured or the beneficiary. Any such provision contained in the policy shall be preceded individually by the appropriate caption appearing in this subsection or, at the option of the insurer, by such appropriate individual or group captions or subcaptions as the commissioner may approve.

(1) A provision as follows:

Change of occupation: If the insured be injured or contract sickness after having changed his occupation to one classified

by the insurer as more hazardous than that stated in this policy or while doing for compensation anything pertaining to an occupation so classified, the insurer will pay only such portion of the indemnities provided in this policy as the premium paid would have purchased at the rates and within the limits fixed by the insurer for such more hazardous occupation. If the insured changes his occupation to one classified by the insurer as less hazardous than that stated in this policy, the insurer, upon receipt of proof of such change of occupation, will reduce the premium rate accordingly, and will return the excess pro rata unearned premium from the date of change of occupation or from the policy anniversary date immediately preceding receipt of such proof, whichever is the more recent. In applying this provision, the classification of occupational risk and the premium rates shall be such as have been last filed by the insurer prior to the occurrence of the loss for which the insurer is liable or prior to date of proof of change in occupation with the state official having supervision of insurance in the state or territory where the insured resided at the time this policy was issued; but if such filing was not required, then the classification of occupational risk and the premium rates shall be those last made effective by the insurer in such state or territory prior to the occurrence of the loss or prior to the date of proof of change in occupation.

(2) A provision as follows:

Misstatement of age: If the age of the insured has been misstated, all amounts payable under this policy shall be such as the premium paid would have purchased at the correct age.

(3) A provision as follows:

Other insurance in this insurer: If an accident or sickness or accident and sickness policy or policies previously issued by the insurer to the insured be in force concurrently herewith, making the aggregate indemnity for (insert type of coverage or coverages) in excess of \$ (insert maximum limit of indemnity or indemnities) the excess insurance shall be void and all premiums paid for such excess shall be returned to the insured or to his estate. Or, in lieu thereof:

Insurance effective at any one time on the insured under a like policy or policies in this insurer is limited to the one such policy elected by the insured, his beneficiary or his estate, as the case may be, and the insurer will return all premiums paid for all such other policies.

(4) A provision as follows:

Insurance with other insurers: If there be other valid coverage, not with this insurer, providing benefits for the same loss on a provision of service basis or on an expense incurred basis and of which this insurer has not been given written notice prior to the occurrence or commencement of loss, the only liability under any expense incurred coverage of this policy shall be for such proportion of the loss as the amount which would otherwise have been payable hereunder plus the total of the like amounts under all such other valid coverages for the same loss of which this insurer had notice bears to the total like amounts under all valid coverages for such loss, and for the return of such portion of the premiums paid as shall exceed the pro rata portion for the amount so determined. For the purpose of applying this provision when other coverage is on a provision of service basis, the 'like amount' of such other coverage shall be taken as the amount which the service rendered would have cost in the absence of such coverage. (If the foregoing policy provision is included in a policy which also contains the next following policy provision there shall be added to the caption of the foregoing provision the phrase 'EXPENSE INCURRED BENEFITS'. The insurer may, at its option, include in this provision a definition of 'other valid coverage', approved as to form by the commissioner, which definition shall be limited in subject matter to coverage provided by organizations subject to regulation by insurance law or by insurance authorities of this territory or any other state or territory of the United States or any province of Canada, and by hospital or medical service organizations, and to any other coverage the inclusion of which may be approved by the commissioner. In the absence of such definition such term shall not include group insurance, automobile medical payment insurance, or coverage provided by hospital or medical service organizations or by union welfare plans or employer or employee benefit organizations. For the purpose of applying the foregoing policy provision with respect to any insured, any amount of benefit provided for such insured pursuant to any compulsory benefit statute (including any workmen's compensation or employer's liability statute) whether provided by a governmental agency or otherwise, shall in all cases be deemed to be 'other valid coverage' of which the insurer has had notice. In applying the foregoing policy provision no third party liability coverage shall be included as 'other valid coverage'.)

(5) A provision as follows:

Insurance with other insurers: If there be other valid coverage not with this insurer, providing benefits for the same loss on other than an expense incurred basis and of which this insurer has not been given written notice prior to the occurrence or commencement of loss, the only liability for such benefits under this policy shall be for such proportion of the indemnities otherwise provided hereunder for such loss as the like indemnities of which the insurer had notice (including the indemnities under this policy) bear to the total amount of all like indemnities for such loss, and for the return of such portion of the premium paid as shall exceed the pro rata portion for the indemnities thus determined. (If the foregoing policy provision is included in a policy which also contains the next preceding policy provision there shall be added to the caption of the foregoing provision the phrase 'OTHER BENEFITS'. The insurer may, at its option, include in this provision a definition of 'other valid coverage', approved as to form by the commissioner, which definition shall be limited in subject matter to coverage provided by organizations subject to regulation by insurance law or by insurance authorities of this territory or any other state or territory of the United States or any province of Canada, and to any other coverage the inclusion of which may be approved by the commissioner. In the absence of such definition such term shall not include group insurance, or benefits provided by union welfare plans or by employer or employee benefit organizations. For the purpose of applying the foregoing policy provision with respect to any insured, any amount of benefit provided for such insured pursuant to any compulsory benefit statute (including any workmen's compensation or employer's liability statute) whether provided by a governmental agency or otherwise shall in all cases be deemed to be 'other valid coverage' of which the insurer has had notice. In applying the foregoing policy provision no third party liability coverage shall be included as 'other valid coverage'.)

(6) A provision as follows:

Relation of earnings to insurance: If the total monthly amount of loss of time benefits promised for the same loss under all valid loss of time coverage upon the insured, whether payable on a weekly or monthly basis, shall exceed the monthly earnings of the insured at the time disability commenced or his average monthly earnings for the period of two years immediately preceding a disability for which claim is made, whichever is the greater, the insurer will be liable only for

such proportionate amount of such benefits under this policy as the amount of such monthly earnings or such average monthly earnings of the insured bears to the total amount of monthly benefits for the same loss under all such coverage upon the insured at the time such disability commenced and for the return of such part of the premiums paid during such two years as shall exceed the pro rata amount of the premiums for the benefits actually paid hereunder; but this shall not operate to reduce the total monthly amount of the benefits payable under all such coverage upon the insured below the sum of two hundred dollars or the sum of the monthly benefits specified in such coverages, whichever is the lesser, nor shall it operate to reduce benefits other than those payable for loss of time.

(The foregoing policy provision may be inserted only in a policy which the insured has the right to continue in force subject to its terms by the timely payment of premiums (1) until at least age 50 or, (2) in the case of a policy issued after age 44, for at least five years from its date of issue. The insurer may, at its option, include in this provision a definition of 'valid loss of time coverage', approved as to form by the commissioner, which definition shall be limited in subject matter to coverage provided by governmental agencies or by organizations subject to regulation by insurance law or by insurance authorities of this territory or any state, district or territory of the United States or any province of Canada, or to any other coverage the inclusion of which may be approved by the commissioner or any combination of such coverages. In the absence of such definition such terms shall not include any coverage provided for such insured pursuant to any compulsory benefit statute (including any workmen's compensation or employer's liability statute), or benefits provided by union welfare plans or by employer or employee benefit organizations.)

(7) A provision as follows:

Unpaid premium: Upon the payment of a claim under this policy, any premium then due and unpaid or covered by any note or written order may be deducted therefrom.

(8) A provision as follows:

Cancellation: The insurer may cancel this policy at any time by written notice delivered to the insured, or mailed to his last address as shown by the records of the insurer, stating when, not less than five days thereafter, such cancellation shall be effective; and after the policy has been continued beyond its original term the insured may cancel this

policy at any time by written notice delivered or mailed to the insurer, effective upon receipt or on such later date as may be specified in such notice. In the event of cancellation, the insurer will return promptly the unearned portion of any premium paid. If the insured cancels, the earned premium shall be computed by the use of the short rate table last filed with the official having supervision of insurance in the state or territory where the insured resided when the policy was issued. If the insurer cancels, the earned premium shall be computed pro rata. Cancellation shall be without prejudice to any claim originating prior to the effective date of cancellation.

(9) A provision as follows:

Conformity with state statutes: Any provision of this policy which, on its effective date, is in conflict with the statutes of the state or territory in which the insured resides on such date is hereby amended to conform to the minimum requirements of such statutes.

(10) A provision as follows:

Illegal occupation: The insurer shall not be liable for any loss to which a contributing cause was the insured's commission of or attempt to commit a felony or to which a contributing cause was the insured's being engaged in an illegal occupation.

(11) A provision as follows:

Intoxicants and narcotics: The insurer shall not be liable for any loss sustained or contracted in consequence of the insured's being intoxicated or under the influence of any narcotic unless administered on the advice of a physician.

(C) Inapplicable or inconsistent provisions:

If any provision of this section is in whole or in part inapplicable to or inconsistent with the coverage provided by a particular form of policy the insurer, with the approval of the commissioner, shall omit from such policy any inapplicable provision or part of a provision, and shall modify any inconsistent provision or part of the provision in such manner as to make the provision as contained in the policy consistent with the coverage provided by the policy.

(D) Order of certain policy provisions.

The provisions which are the subject of subsections (A) and (B) of this section, or any corresponding provisions which are used in lieu thereof in accordance with such subsections, shall be printed in the consecutive order of the provisions in such subsections or, at the option of the

insurer, any such provision may appear as a unit in any part of the policy, with other provisions to which it may be logically related, provided the resulting policy shall not be in whole or in part unintelligible, uncertain, ambiguous, abstruse, or likely to mislead a person to whom the policy is offered, delivered or issued.

(E) Third party ownership.

The word 'insured', as used in this Act, shall not be construed as preventing a person other than the insured with a proper insurable interest from making application for and owning a policy covering the insured or from being entitled under such a policy to any indemnities, benefits and rights provided therein.

(F) Requirements of other jurisdictions.

(1) Any policy of a foreign or alien insurer, when delivered or issued for delivery to any person in this territory, may contain any provision which is not less favorable to the insured or the beneficiary than the provisions of this Act and which is prescribed or required by the law of the state or territory under which the insurer is organized.

(2) Any policy of a domestic insurer may, when issued for delivery in any other state or country, contain any provision permitted or required by the laws of such other state or country.

(G) Filing procedure.

The commissioner may make such reasonable rules and regulations concerning the procedure for the filing or submission of policies subject to this Act as are necessary, proper or advisable to the administration of this Act. This provision shall not abridge any other authority granted the commissioner by law.

4. Conforming to statute.

(A) Other policy provisions.

No policy provision which is not subject to section 3 of this Act shall make a policy, or any portion thereof, less favorable in any respect to the insured or the beneficiary than the provisions thereof which are subject to this Act.

(B) Policy conflicting with this Act.

A policy delivered or issued for delivery to any person in this territory in violation of this Act shall be held valid but shall be construed as provided in this Act. When any provision in a policy subject to this Act is in conflict with any provision of this Act, the rights, duties, and obliga-

tions of the insurer, the insured and the beneficiary shall be governed by the provisions of this Act.

5. Application.

(A) The insured shall not be bound by any statement made in an application for a policy unless a copy of such application is attached to or endorsed on the policy when issued as a part thereof. If any such policy delivered or issued for delivery to any person in this territory shall be reinstated or renewed, and the insured or the beneficiary or assignee of such policy shall make written request to the insurer for a copy of the application, if any, for such reinstatement or renewal, the insurer shall within fifteen days after the receipt of such request at its home office or any branch office of the insurer, deliver or mail to the person making such request, a copy of such application. If such copy shall not be so delivered or mailed, the insurer shall be precluded from introducing such application as evidence in any action or proceeding based upon or involving such policy or its reinstatement or renewal.

(B) No alteration of any written application for any such policy shall be made by any person other than the applicant without his written consent, except that insertions may be made by the insurer, for administrative purposes only, in such manner as to indicate clearly that such insertions are not to be ascribed to the applicant.

(C) The falsity of any statement in the application for any policy covered by this Act may not bar the right to recovery thereunder unless such false statement materially affected either the acceptance of the risk or the hazard assumed by the insurer.

6. Notice, waiver.

The acknowledgment by any insurer of the receipt of notice given under any policy covered by this Act, or the furnishing of forms for filing proofs of loss, or the acceptance of such proofs, or the investigation of any claim thereunder shall not operate as a waiver of any of the rights of the insurer in defense of any claim arising under such policy.

7. Age limit.

If any such policy contains a provision establishing, as an age limit or otherwise, a date after which the coverage provided by the policy will not be effective, and if such date falls within a period for which premium is accepted by the insurer or if the insurer accepts a premium after such

date, the coverage provided by the policy will continue in force subject to any right of cancellation until the end of the period for which premium has been accepted. In the event the age of the insured has been misstated and if, according to the correct age of the insured, the coverage provided by the policy would not have become effective, or would have ceased prior to the acceptance of such premium or premiums, then the liability of the insurer shall be limited to the refund, upon request, of all premiums paid for the period not covered by the policy.

8. Non-application to certain policies.

Nothing in this Act shall apply to or affect (1) any policy of workmen's compensation insurance or any policy of liability insurance with or without supplementary expense coverage therein; or (2) any policy or contract of reinsurance; or (3) any blanket or group policy of insurance; or (4) life insurance, endowment or annuity contracts, or contracts supplemental thereto which contain only such provisions relating to accident and sickness insurance as (a) provide additional benefits in case of death or dismemberment or loss of sight by accident, or as (b) operate to safeguard such contracts against lapse, or to give a special surrender value or special benefit or an annuity in the event that the insured or annuitant shall become totally and permanently disabled, as defined by the contract or supplemental contract.

9. Violation.

Any person, partnership or corporation wilfully violating any provision of this Act or order of the commissioner made in accordance with this Act, shall forfeit to the people of the territory a sum not to exceed \$ for each such violation, which may be recovered by a civil action. The commissioner may also suspend or revoke the license of an insurer or agent for any such wilful violation.

10. Judicial review.

Any order or decision of the commissioner under this Act shall be subject to review by appeal in writing to the circuit court of the first judicial circuit and an appeal from the decision of the court shall lie to the supreme court all as is provided by the applicable provisions of sections 8456 and 8457 of the Revised Laws of Hawaii 1945.

11. Repeal of inconsistent Acts.

Any provisions of any existing law which are inconsistent with the provisions of this Act are hereby repealed." [L. 1951, c. 241, s. 1.]

Section 2. The sum of \$20,000.00, or so much thereof as may be necessary for capital expenditures and personal services to effectuate the purposes of this Act is hereby appropriated for the biennial period beginning July 1, 1951 and ending June 30, 1953, out of moneys in the treasury received from general revenues and not otherwise appropriated.

Section 3. Effective date of Act. This Act shall take effect on January 1, 1952. A policy, rider or endorsement, which could have been lawfully used or delivered or issued for delivery to any person in this territory immediately before the effective date of this Act may be used or delivered or issued for delivery to any such person during five years after the effective date of this Act without being subject to the provisions of sections 2, 3 or 4 of section 8546.07.

(Approved May 28, 1951.) H.B. 1024, Act 241.

Chapter 161 A. CASUALTY INSURANCE—MOTOR VEHICLES.

§§ 8551.01-.17. Insurance rates, motor vehicles. NEW, L. 1947, Act 60 [C-145].

Chapter 161 B. FIRE, MARINE, ETC.

§§ 8552.01-.16. Marine insurance. NEW, L. 1947, Act 61 [C-146].

Chapter 161 C. REGULATION OF TRADE PRACTICES—INSURANCE BUSINESS.

Series C-207: ACT 298

An Act Relating to Unfair Methods of Competition and Unfair and Deceptive Acts and Practices in the Business of Insurance.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. That Chapter 161 of the Revised Laws of Hawaii 1945, as amended, is further amended by adding thereto the following new sections:

"Sec. 8553.01. Declaration of purpose. The purpose of this Act is to regulate trade practices in the business of in-

insurance in accordance with the intent of Congress as expressed in the Act of Congress of March 9, 1945, (Public Law 15, 79th Congress), by defining, or providing for the determination of, all such practices in this territory which constitute unfair methods of competition or unfair or deceptive acts or practices and by prohibiting the trade practices so defined or determined. [L. 1951, c. 298, pt. of s. 1.]

Sec. 8553.02. Definitions. When used in this Act:

(a) 'Person' shall mean any individual, corporation, association, partnership, reciprocal exchange, inter-insurer, Lloyds insurer, fraternal benefit society, and any other legal entity engaged in the business of insurance, including general agents, subagents, solicitors, nonresident agents and brokers, and adjusters.

(b) 'Commissioner' shall mean the commissioner of insurance of this territory. [L. 1951, c. 298, pt. of s. 1.]

Sec. 8553.03 Unfair methods of competition or unfair and deceptive acts or practices prohibited. No person shall engage in this territory in any trade practice which is defined in this Act as, or determined pursuant to this Act to be, an unfair method of competition or an unfair or deceptive act or practice in the business of insurance. [L. 1951, c. 298, pt. of s. 1.]

Sec. 8553.04. Unfair methods of competition and unfair or deceptive acts or practices defined. The following are hereby defined as unfair methods of competition and unfair and deceptive acts or practices in the business of insurance.

(1) Misrepresentations and false advertising of policy contracts. Making, issuing, circulating, or causing to be made, issued or circulated, any estimate, illustration, circular or statement misrepresenting the terms of any policy issued or to be issued or the benefits or advantages promised thereby or the dividends or share of the surplus to be received thereon, or making any false or misleading statement as to the dividends or share of surplus previously paid on similar policies, or making any misleading representation or any misrepresentation as to the financial condition of any insurer, or as to the legal reserve system upon which any life insurer operates, or using any name or title of any policy or class of policies misrepresenting the true nature thereof, or making any misrepresentation to any policyholder insured in any company for the purpose of inducing or tending to induce such policyholder to lapse, forfeit, or surrender his insurance.

(2) False information and advertising generally. Making, publishing, disseminating, circulating, or placing before the public, or causing, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine or other publication, or in the form of a notice, circular, pamphlet, letter or poster, or over any radio station, or in any other way, an advertisement, announcement or statement containing any assertion, representation or statement with respect to the business of insurance or with respect to any person in the conduct of his insurance business, which is untrue, deceptive or misleading.

(3) Defamation. Making, publishing, disseminating, or circulating, directly or indirectly, or aiding, abetting or encouraging the making, publishing, disseminating or circulating of any oral or written statement or any pamphlet, circular, article or literature which is false, or maliciously critical of or derogatory to the financial condition of an insurer, and which is calculated to injure any person engaged in the business of insurance.

(4) Boycott, coercion and intimidation. Entering into any agreement to commit, or by any concerted action committing, any act of boycott, coercion or intimidation resulting in or tending to result in unreasonable restraint of, or monopoly in, the business of insurance.

(5) False financial statements. Filing with any supervisory or other public official, or making, publishing, disseminating, circulating or delivering to any person, or placing before the public, or causing directly or indirectly, to be made, published, disseminated, circulated, delivered to any person, or placed before the public, any false statement of financial condition of an insurer with intent to deceive.

Making any false entry in any book, report or statement of any insurer with intent to deceive any agent or examiner lawfully appointed to examine into its condition or into any of its affairs, or any public official to whom such insurer is required by law to report, or who has authority by law to examine into its condition or into any of its affairs, or, with like intent, wilfully omitting to make a true entry of any material fact pertaining to the business of such insurer in any book, report or statement of such insurer.

(6) Stock operations and advisory board contracts. Issuing or delivering or permitting agents, officers, or employees to issue or deliver, agency company stock or other capital stock, or benefit certificates or shares in any com-

mon-law corporation, or securities or any special or advisory board contracts or other contracts of any kind promising returns and profits as an inducement to insurance.

(7) Unfair discrimination. (a) Making or permitting any unfair discrimination between individuals of the same class and equal expectation of life in the rates charged for any contract of life insurance or of life annuity or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of such contract.

(b) Making or permitting any unfair discrimination between individuals of the same class and of essentially the same hazard in the amount of premium, policy, fees, or rates charged for any policy or contract of accident or health insurance or in the benefits payable thereunder, or in any of the terms or conditions of such contract, or in any other manner whatever.

(8) Rebates. (a) Except as otherwise expressly provided by law, knowingly permitting or offering to make or making any contract of life insurance, life annuity or accident and health insurance, or agreement as to such contract other than as plainly expressed in the contract issued thereon, or paying or allowing, or giving or offering to pay, allow, or give, directly or indirectly, as inducement to such insurance, or annuity, any rebate of premiums payable on the contract, or any special favor or advantage in the dividends or other benefits thereon, or any valuable consideration or inducement whatever not specified in the contract; or giving, or selling, or purchasing or offering to give, sell, or purchase as inducement to such insurance or annuity or in connection therewith, any stocks, bonds, or other securities of any insurance company or other corporation, association, or partnership, or any dividends or profits accrued thereon, or anything of value whatsoever not specified in the contract.

(b) Nothing in clause (7) or paragraph (a) of clause (8) of this subsection shall be construed as including within the definition of discrimination or rebates any of the following practices: (i) in the case of any contract of life insurance or life annuity, paying bonuses to policyholders or otherwise abating their premiums in whole or in part out of surplus accumulated from non-participating insurance, provided that any such bonuses or abatement of premiums shall be fair and equitable to policyholders and for the best interests of the company and its policyholders; (ii) in the case of life insurance policies issued on the industrial debit plan, making allowance to policyholders who

have continuously for a specified period made premium payments directly to an office of the insurer in an amount which fairly represents the saving in collection expense; (iii) readjustment of the rate of premium for a group insurance policy based on the loss or expense experience thereunder, at the end of the first or any subsequent policy year of insurance thereunder, which may be made retroactive only for such policy year. [L. 1951, c. 298, pt. of s. 1.]

Sec. 8553.05. Power of commissioner. The commissioner shall have power to examine and investigate into the affairs of every person engaged in the business of insurance in this territory in order to determine whether such person has been or is engaged in any unfair method of competition or in any unfair or deceptive act or practice prohibited by section 8553.03 of this Act. [L. 1951, c. 298, pt. of s. 1.]

Sec. 8553.06. Hearings, witnesses, appearances, production of books and service of process.

(a) Whenever the commissioner shall have reason to believe that any such person has been engaged or is engaging in this territory in any unfair method of competition or any unfair or deceptive act or practice defined in section 8553.04, and that a proceeding by him in respect thereto would be to the interest of the public, he shall issue and serve upon such person a statement of the charges in that respect and a notice of a hearing thereon to be held at a time and place fixed in the notice, which shall not be less than thirty (30) days after the date of the service thereof.

(b) At the time and place fixed for such hearing, such person shall have an opportunity to be heard and to show cause why an order should not be made by the commissioner requiring such person to cease and desist from the acts, methods or practices so complained of. Upon good cause shown, the commissioner shall permit any person to intervene, appear and be heard at such hearing by counsel or in person.

(c) Nothing contained in this Act shall require the observance at any such hearing of formal rules of pleading or evidence.

(d) The commissioner, upon such hearing, may administer oaths, examine and cross examine witnesses, receive oral and documentary evidence, and shall have the power to subpoena witnesses, compel their attendance, and require the production of books, papers, records, correspondence,

or other documents which he deems relevant to the inquiry. The commissioner, upon such hearing, may, and upon the request of any party shall, cause to be made a stenographic record of all the evidence and all the proceedings had at such hearing. If no stenographic record is made and if a judicial review is sought, the commissioner shall prepare a statement of the evidence and proceeding for use on review. In case of a refusal of any person to comply with any subpoena issued hereunder or to testify with respect to any matter concerning which he may be lawfully interrogated, the circuit court of the judicial circuit of the territory where such party resides, on application of the commissioner, may issue an order requiring such person to comply with such subpoena and to testify; and any failure to obey any such order of the court may be punished by the court as a contempt hereof.

(e) Statements of charges, notices, orders and other processes of the commissioner under this Act may be served by anyone duly authorized by the commissioner, either in the manner provided by law for service of process in civil actions, or by registering and mailing a copy thereof to the person affected by such statement, notice, order, or other process at his or its residence or principal office or place of business. The verified return by the person so serving such statement, notice, order, or other process, setting forth the manner of such service shall be proof of the same, and the return postcard receipt for such statement, notice, order, or other process, registered and mailed as aforesaid, shall be proof of the service of the same. [L. 1951, c. 298, pt. of s. 1.]

Sec. 8553.07. Cease and desist orders and modifications thereof.

(a) If, after such hearing, the commissioner shall determine that the method of competition or the act or practice in question is defined in section 8553.04 and that the person complained of has engaged in such method of competition, act or practice in violation of this Act, he shall reduce his findings to writing and shall issue and cause to be served upon the person charged with the violation an order requiring such person to cease and desist from engaging in such method of competition, act or practice.

(b) Until the expiration of the time allowed under section 8553.08 (a) of this Act for filing a petition for review by appeal if no such petition has been duly filed within such time or, if a petition for review has been filed within such

time, then until the transcript of the record in the proceeding has been filed in the circuit court of the first judicial circuit, as hereinafter provided, the commissioner may at any time, upon such notice and in such manner as he shall deem proper, modify or set aside in whole or in part any order issued by him under this section.

(c) After the expiration of the time allowed for filing such a petition for review if no such petition has been duly filed within such time, the commissioner may at any time, after notice and opportunity for hearing, reopen and alter, modify or set aside, in whole or in part, any order issued by him under this section whenever in his opinion conditions of fact or of law have so changed as to require such action or if the public interest shall so require. [L. 1951, c. 298, pt. of s. 1.]

Sec. 8553.08. Judicial review of cease and desist orders.

(a) Any person required by an order of the commissioner under section 8553.07 to cease and desist from engaging in any unfair method of competition or any unfair or deceptive act or practice defined in section 8553.04 may obtain a review of such order by filing in the circuit court of the first judicial circuit, within thirty (30) days from the date of service of such order, a written petition praying that the order of the commissioner be set aside. A copy of such petition shall be forthwith served upon the commissioner, and thereupon the commissioner forthwith shall certify and file in such court a transcript of the entire record in the proceeding, including all the evidence taken and the report and order of the commissioner. Upon such filing of the petition and transcript such court shall have jurisdiction of the proceeding and of the question determined therein, shall determine whether the filing of such petition shall operate as a stay of such order of the commissioner, and shall have power to make and enter upon the pleadings, evidence, and proceedings set forth in such transcript a decree modifying, affirming or reversing the order of the commissioner, in whole or in part. The findings of the commissioner as to the facts, if supported by a preponderance of evidence, shall be conclusive.

(b) To the extent that the order of the commissioner is affirmed, the court shall thereupon issue its own order commanding obedience to the terms of such order of the commissioner. If either party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is

material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the commissioner, the court may order such additional evidence to be taken before the commissioner and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The commissioner may modify his findings of fact, or make new findings by reason of the additional evidence so taken, and he shall file such modified or new findings which, if supported by a preponderance of evidence shall be conclusive, and his recommendation, if any, for the modification or setting aside of his original order, with the return of such additional evidence. An appeal from the decision of the circuit court shall lie to the supreme court of the Territory of Hawaii, all as is provided by the applicable laws governing appeals in equity.

(c) A cease and desist order issued by the commissioner under section 8553.07 shall become final.

(1) Upon the expiration of the time allowed for filing a petition for review if no such petition has been duly filed within such time; except that the commissioner may thereafter modify or set aside his order to the extent provided in section 8553.07 (b); or

(2) Upon the final decision of the court if the court directs that the order of the commissioner be affirmed or the petition for review dismissed.

(d) No order of the commissioner under this Act or order of a court to enforce the same shall in any way relieve or absolve any person affected by such order from any liability under any other laws of this territory. [L. 1951, c. 298, pt. of s. 1.]

Sec. 8553.09. Procedure as to unfair methods of competition and unfair or deceptive acts or practices which are not defined.

(a) Whenever the commissioner shall have reason to believe that any person engaged in the business of insurance is engaging in this territory in any method of competition or in any act or practice in the conduct of such business which is not defined in section 8553.04, that such method of competition is unfair or that such act or practice is unfair or deceptive and that a proceeding by him in respect thereto would be to the interest of the public, he may issue and serve upon such person a statement of the charges in that respect and a notice of a hearing thereon to be

held at a time and place fixed in the notice, which shall not be less than thirty (30) days after the date of the service thereof. Each such hearing shall be conducted in the same manner as the hearings provided for in section 8553.06. The commissioner shall, after such hearing, make a report in writing in which he shall state his findings as to the facts, and he shall serve a copy thereof upon such person.

(b) If such report charges a violation of this Act and if such method of competition, act or practice has not been discontinued, the commissioner may, through the attorney general of this territory, at any time after thirty (30) days after the service of such report cause a petition to be filed in the circuit court of the first judicial circuit of this territory to enjoin and restrain such person from engaging in such method, act or practice. The court shall have jurisdiction of the proceeding and shall have power to make and enter appropriate orders in connection therewith and to issue such writs as are ancillary to its jurisdiction or are necessary in its judgment to prevent injury to the public pendente lite.

(c) A transcript of the proceedings before the commissioner including all evidence taken and the report and findings shall be filed with such petition. If either party shall apply to the court for leave to adduce additional evidence and shall show, to the satisfaction of the court, that such additional evidence is material and there were reasonable grounds for the failure to adduce such evidence in the proceeding before the commissioner the court may order such additional evidence to be taken before the commissioner and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The commissioner may modify his findings of fact or make new findings by reason of the additional evidence so taken, and he shall file such modified or new findings with the return of such additional evidence.

(d) If the court finds that the method of competition complained of is unfair or that the act or practice complained of is unfair or deceptive, that the proceeding by the commissioner with respect thereto is to the interest of the public and that the findings of the commissioner are supported by a preponderance of the evidence, it shall issue its order enjoining and restraining the continuance of such method of competition, act or practice, subject to appeal to the supreme court of the Territory of Hawaii, all as is provided by the applicable laws governing appeals in equity. [L. 1951, c. 298, pt. of s. 1.]

Sec. 8553.10. Judicial review by intervenor. If the report of the commissioner does not charge a violation of this Act, then any intervenor in the proceedings may within thirty (30) days after the service of such report, cause a petition to be filed in the circuit court of the first judicial circuit for a review of such report. Upon such review, the court shall have authority to issue appropriate orders and decrees in connection therewith, including, if the court finds that it is to the interest of the public, orders enjoining and restraining the continuance of any method of competition, act or practice which it finds, notwithstanding such report of the commissioner, constitutes a violation of this Act, subject to appeal to the supreme court of the Territory of Hawaii, all as is provided by the applicable laws governing appeals in equity. [L. 1951, c. 298, pt. of s. 1.]

Sec. 8553.11. Penalty. Any person who violates a cease and desist order of the commissioner under section 8553.07, after it has become final, and while such order is in effect, shall upon proof thereof to the satisfaction of the court, forfeit and pay to the Territory of Hawaii a sum not to exceed \$50.00, which may be recovered in a civil action, except that, if such violation is found to be willful, the amount of such penalty shall be a sum not to exceed \$500.00. [L. 1951, c. 298, pt. of s. 1.]

Sec. 8553.12. Provisions of Act additional to existing law. The powers vested in the commissioner by this Act, shall be additional to any other powers to enforce any penalties, fines or forfeitures authorized by law with respect to the methods, acts and practices hereby declared to be unfair or deceptive. [L. 1951, c. 298, pt. of s. 1.]

Sec. 8553.13. Immunity from prosecution. If any person shall ask to be excused from attending and testifying or from producing any books, papers, records, correspondence or other documents, at any hearing on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture, and shall notwithstanding be directed to give such testimony or produce such evidence, he must nonetheless comply with such direction, but he shall not thereafter be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may testify or produce evidence pursuant thereto, and no testimony so given or evidence produced shall be received against him upon any criminal action, investigation or proceeding; **provided**, however, that no such individual

so testifying shall be exempt from prosecution or punishment for any perjury committed by him while so testifying and the testimony or evidence so given or produced shall be admissible against him upon any criminal action, investigation or proceeding concerning such perjury, nor shall he be exempt from the refusal, revocation or suspension of any license, permission or authority conferred, or to be conferred, pursuant to the insurance law of this territory. Any such individual may execute, acknowledge and file in the office of the commissioner a statement expressly waiving such immunity or privilege in respect to any transaction, matter or thing specified in such statement and thereupon the testimony of such person or such evidence in relation to such transaction, matter or thing may be received or produced before any judge or justice, court, tribunal, grand jury or otherwise, and if so received or produced such individual shall not be entitled to any immunity or privilege on account of any testimony he may so give or evidence so produced. [L. 1951, c. 298, pt. of s. 1.]

Sec. 8553.14. Separability provision. If any provision of this Act, or the application of such provision to any person or circumstances, shall be held invalid, the remainder of the Act, and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby." [L. 1951, c. 298, pt. of s. 1.]

Section 2. The sum of \$12,300.00, or so much thereof as may be necessary for capital expenditures and personal services to effectuate the purposes of this Act, is hereby appropriated for the biennial period beginning July 1, 1951 and ending June 30, 1953, out of moneys in the treasury received from general revenues and not otherwise appropriated.

Section 3. This Act shall take effect upon its approval.

(Approved June 9, 1951.) H.B. 1027, Act 298.

Chapter 163. PARTNERSHIPS.

§ 8609. Personal liability and penalty. Am. L. 1949, Act 34 [C-238], rewritten p. 547.

Chapter 164. TRUST COMPANIES.

Series C-208: ACT 149

An Act Amending Section 8661 of the Revised Laws of Hawaii 1945, as Amended, Relating to Investments of Trust Companies.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 8661* of the Revised Laws of Hawaii 1945, as amended by Act 125 of the Session Laws of 1947, is hereby further amended by adding to subparagraph 11 of subsection (c) thereof the following sentence:

"Investments subject to the limitations of this subparagraph resulting from the conversion of investments previously made within the limitations of this section shall be valued as at their book value immediately prior to such conversion for purposes of this subparagraph; **provided**, that no monetary increase in the amount of trust company capital and surplus invested in such converted assets shall be made during or subsequent to conversion thereof."

Section 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 23, 1951.) H.B. 679, Act 149.

* § 8661. Investments. AM. L. 1947, Act 125 [C-147]; am. L. 1951, Act 286 [C-209], post.

Series C-209: ACT 286

An Act to Amend Section 8661 of the Revised Laws of Hawaii 1945, as Amended, Relating to Investments of Trust Companies.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 8661 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended in the following respects:

(a) By amending subsection 5 of subsection (c) of said section so that said subsection 5 shall read as follows:

"5. In the notes or other obligations of any individual, copartnership, association or corporation secured by a pledge of stocks (except the stock of the trust company or of any corporation more than fifty per centum of the capital stock

of which is owned by such trust company), bonds or other securities or leaseholds and the improvements thereon if the total amount of the principal of the notes or other obligations secured by such collateral does not exceed sixty per centum of the appraised value of the security over and above all taxes due and assessments which are a lien upon the security or any part thereof; and in the notes or other obligations of any individual, copartnership, association or corporation secured by a pledge of bonds, notes or obligations of the United States, or of bonds, warrants or other obligations which would constitute an authorized investment under the provisions of the foregoing subsection 2, if the total amount of the principal of the notes or other obligations secured by such bonds, notes, warrants or obligations does not exceed ninety per centum of the actual cash market value of such security; and in the notes of* other obligations of any individual, copartnership, association or corporation secured by a pledge of mortgage notes which are in turn secured by first mortgages upon either improved or productive real estate, and improvements thereon, in the Territory, if the total amount of the principal of the notes and other obligations secured by such mortgage notes does not exceed ninety per centum of the aggregate basic value of each mortgage note being whichever is lower of the following: (a) the face amount of such mortgage note, or (b) sixty per centum of the appraised value of the security for such mortgage note over and above all taxes due and assessments which are a lien upon such security or any part thereof; and in the notes or other obligations of any individual, copartnership, association or corporation secured by a pledge of bonds which would constitute an authorized investment under the provisions of the foregoing subsection 3, if the total amount of the principal of the notes or other obligations secured by such bonds does not exceed eighty per centum of the actual cash market value of such security."

(b) By adding to subsection (e) of said section, an additional subsection numbered 12, to read as follows:

"12. In the note or other obligation of any individual, copartnership, association or corporation which would constitute an authorized investment under the provisions of any of the foregoing subsections 4, 5, 8 or 9, were it not that the total amount of principal of such note or other obligation is in excess of the limitations stated in said subsections, where such note or other obligation is secured by

* Sic.

property in two or more of the classifications of security mentioned in said subsections and the total amount of the principal of such note or other obligation does not exceed the total of the values of the items of property constituting such security, multiplied in each instance by the percentage of security set forth in the subsection governing security of the applicable classification."

Section 2. This Act shall take effect upon its approval.

(Approved June 9, 1951.) S.B. 443, Act 286.

§ 8661.01. Use of nominees permitted. NEW, L. 1947, Act 129 [C-148].

§ 8662. Rep (?) L. 1947, Act 130 [C-150].

§ 8663. Rep. L. 1947, Act 128 [C-149].

§§ 8674-83. Common trust fund. NEW, L. 1947, Act 130 [C-150].

Title 22: GENERAL BUSINESS LAW.

Chapter 164 A. ACCOUNTS RECEIVABLE, ASSIGNMENT AND NOTICE.

Series C-210: ACT 45

An Act Relating to the Assignment of Accounts Receivable and Notice Thereof; the Rights and Liabilities of Assignors, Assignees, Mortgagors and Mortgagees of Accounts Receivable and of the Persons Owning the same, and of Persons Interested Therein.

Be it Enacted by the Legislature of the Territory of Hawaii:

[Sec. 8691.] Section 1. **Definitions.** Wherever used in this Act, unless the context or subject matter otherwise requires:

"Account" or "account receivable" means an existing or future right to the payment of money under an existing contract, the assignment of which right is not subject to special statutory provisions of the territory or of the federal government relative to the rights of creditors of the assignor, and which right to payment is not represented by a judgment, a negotiable instrument, or a writing of which surrender is required by the obligor's contract for its enforcement.

"Assignee", "assignment", "assignor", and "debtor" are limited respectively to an assignee, assignment, assignor of and debtor on an account receivable. The words "assignee", "assignment", and "assignor", respectively, include a mortgagee, mortgage and mortgagor of an account receivable.

“Assignment” means any transfer of an account, other than by operation of law, including a transfer as security, and the creation by agreement of a lien upon an account.

“Contract” includes express contracts, written and oral, and implied contracts, such as an obligation to pay for goods received or services rendered without an express contract.

“Proceeds in any form” of an account include any interest in or benefit accruing from an account, any judgment arising from an account, money or other thing of value received in payment of an account, in whole or in part, in any manner, any obligation taken as absolute or conditional payment of or upon an account, collateral security taken for an account, and goods, the sale of which gave rise to the account, not in the possession of the debtor.

“Value” means any consideration sufficient to support a simple contract. An antecedent or pre-existing claim, whether for money or not, and whether against the assignor or against another person, constitutes value where an assignment is taken either in satisfaction thereof or as security therefor.

“Registrar” means the registrar of conveyances of the territory. [L. 1951, c. 45, s. 1.]

[Sec. 8692.] Section 2. Validity as to creditors and subsequent assignor; effect of notice; rights of unnotified debtor.

(1) Subject to the provisions of section 3 of this Act, a written assignment, signed by the assignor, of an account for value, shall be valid as against, and shall have priority as to such account over, present and future creditors (excepting creditors having existing specific liens on the account when assigned) of the assignor and subsequent assignees of such account. Every effective and uncanceled notice filed pursuant to the provisions of this Act shall be held and considered to be full and sufficient notice to all the world of all assignments taken thereunder. The validity of any such assignment of an account shall not be affected by failure to notify the debtor.

(2) A debtor, irrespective of the provisions of section 3, until notified of the assignment by the assignor or the assignee, may pay or otherwise deal in good faith with the assignor, his agent for collection or any successor to the assignor's interest, and shall have as against the assignee, unless he shall have otherwise agreed, any right of setoff, counterclaim or defense against such assignor or person existing in his favor at the time he is so notified. [L. 1951, c. 45, s. 2.]

[Sec. 8693.] Section 3. Notice, filing and form.

(1) No assignment of an account shall be valid as against present or future creditors of the assignor, or as against a sub-

sequent assignee of such account without knowledge of such assignment, unless such assignment shall be in writing and be signed by the assignor, and unless there shall be on file in the office of the registrar, at the time of making of such assignment or within thirty (30) days thereafter, an effective and uncanceled notice signed and acknowledged by the assignor and the assignee containing a designation of the assignor and the assignee, and of the chief place of business of each within this territory, if any; and if the assignor has no place of business within the territory a designation of his chief place of business outside the territory; and a statement that the assignor has assigned or intends to assign one or more accounts receivable to the assignee. Such assignment may refer to specific accounts receivable or may otherwise identify all or any portion of the accounts receivable of an assignor, in bulk or in any other manner, and may include accounts receivable in existence at the time of the assignment or afterward acquired, and may include accounts receivable changing in amount and identity from time to time during the existence of the assignment. The recordation in accordance with the provisions of chapter 308 of a mortgage assigning accounts receivable shall be deemed as to such accounts to be a compliance with the provisions of this Act with respect to the filing of notice and such notice shall be deemed to continue during any period that said mortgage is in effect and not released or discharged.

(2) The following form of notice (or any other form of notice containing substantially the same information) shall suffice for the purposes of this Act:

"NOTICE OF ASSIGNMENT OF ACCOUNTS RECEIVABLE

The assignor, _____, whose chief place of business within this territory is at _____ (or who has no place of business within this territory and whose chief place of business outside this territory is at _____), has assigned or intends to assign one or more accounts receivable to the assignee, _____, whose chief place of business within this territory is at _____

Signed _____
Assignor

Signed _____
Assignee".

(3) It shall be the duty of the registrar to mark each notice filed with a consecutive file number, and with the date and hour of filing, and to keep such notices in a suitable file; and to note

and index the filing in a suitable index, indexed according to the name of the assignor and containing a notation of the assignor's chief place of business as given in the notice.

(4) At any time during the effective period of a notice of assignment of accounts receivable, a notice of renewal thereof may be filed in the office of the registrar, which notice of renewal shall designate and be signed and acknowledged by the assignor and the assignee, shall contain a reference to the notice of assignment by file number and date of filing, and shall contain a statement that the notice of assignment is thereby renewed. The following form of notice of renewal (or any other form of notice containing substantially the same information) shall suffice for the purposes of this Act:

"RENEWAL OF NOTICE OF ASSIGNMENT OF ACCOUNTS RECEIVABLE

The notice of assignment of accounts receivable file No. _____, filed _____ (date), naming _____ as assignor and _____ as assignee, is hereby renewed.

Signed.....
Assignor

Signed.....
Assignee".

It shall be the duty of the registrar to mark, file and index the notice of renewal in like manner as the original notice of assignment of accounts receivable.

(5) Presentation for filing of any such notice and payment of the filing fee shall constitute filing under this Act.

(6) Any notice of assignment of accounts receivable filed pursuant to this Act shall be effective for the period of one year from the date of filing of the notice of assignment, and shall continue effective until the expiration of one year from the date of filing of the last notice of renewal thereof. The expiration or cancellation of any notice of assignment shall not in any manner affect any assignment theretofore made.

(7) Any such notice filed hereunder may be cancelled by filing with the registrar a certificate signed and acknowledged by the assignee reciting the date of the notice, the date of the filing thereof, the file number thereof, the names of the parties thereto, and a statement that the notice is cancelled. The registrar shall file such certificate and shall show the date of cancellation in the index in which the notice is entered. In the event of an assignment as security, then upon payment or satisfaction of the obligation for which the accounts were assigned

as security, and upon written demand by the assignor, the assignee shall deliver to the assignor such certificate.

(8) The fee for filing any such notice or cancellation shall be \$1.50. [L. 1951, c. 45, s. 3.]

[Sec. 8694.] Section 4. **Assignor as trustee; assignee's right or lien not invalidated by assignor's acts or omissions.** The assignor of an account shall be a trustee for the assignee of the proceeds in any form of the account and of any of the property sold, which is returned to or recovered by the assignor. No assignment, otherwise valid under the provisions hereof, shall be invalid or be presumed fraudulent against creditors by reason of the liberty in the assignor to use or dispose of all or part of the proceeds in any form of any account, or to collect or compromise any account, or to accept the return of goods, or to make repossession, or to use or dispose of the proceeds of any of these, or by reason of the failure of the assignee to require the assignor to account for such proceeds. The rights of an assignee upon property so held in trust shall be superior to the rights of all present and future creditors of the assignor and subsequent purchasers of the property, when such property is set aside or designated in a manner indicating that the assignee has an interest therein. [L. 1951, c. 45, s. 4.]

[Sec. 8695.] Section 5. **Priority among assignees.** Subject to the provisions of section 3, priority among assignees of the same account shall be governed by the respective times of delivery to them of their assignments; **provided**, that for the purposes hereof the time of delivery of an assignment made prior to the time of the filing of the notice of assignment under which the same is made shall be deemed to be the time of such filing. In the event that, in any action involving conflicting claims to an account, a court of competent jurisdiction shall find that a claimant has made such claim without reasonable cause, the court may award, in addition to costs, a reasonable attorney's fee against such claimant to the prevailing party. [L. 1951, c. 45, s. 5.]

[Sec. 8696.] Section 6. **Duty of assignee to inform assignor.** It shall be the duty of any assignee to furnish such information relative to assignments of accounts as the assignor may in writing direct, unless the assignor shall have otherwise agreed. [L. 1951, c. 45, s. 6.]

[Sec. 8697.] Section 7. **Operation of Act.** The provisions of this Act shall not affect the validity of an assignment as between the parties thereto, and shall not be applicable to any assignment made for the benefit of all of the assignor's creditors generally. The

provisions of this Act shall not affect the rights or remedies, at law or in equity, of any person to reach any property which shall be transferred by an assignment which is fraudulent as to creditors. [L. 1951, c. 45, s. 7.]

[Sec. 8698.] Section 8. **Assignments before effective date not affected.** The provisions of this Act shall control except as to assignments made before this Act takes effect. [L. 1951. c. 45, s. 8.]

Section 9. **Effective date.** This Act shall take effect on July 1, 1951.

(Approved May 5, 1951.) **H.B. 845, Act 45.**

Chapter 165. ARBITRATION AND AWARDS.

§ 8708. **Confirming award.** AM. L. 1949, Act 347 [C-239].

Chapter 169. LIENS, GENERALLY.

§§ 8767.01-.04. **Laundering, etc.** NEW, L. 1945, Act 188 [C-151].

§ 8769. **Lien; when allowed; lessees, etc.** AM. L. 1949, Act 241 [C-240]; Am. Sp. L. 1949, Act 28 [C-34].

§ 8769.01. **Definitions.** NEW, L. 1949, Act 241 [C-240].

§§ 8770-71. **Filing notice, contents, records.** AM. L. 1949, Act 241 [C-240].

Series C-211: ACT 95

An Act Amending Section 8772 of the Revised Laws of Hawaii 1945, and Section 7 of Act 241 of the Session Laws of Hawaii 1949, Pertaining to Liens of Mechanics and Materialmen.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 8772*** of the Revised Laws of Hawaii 1945, as amended by Act 241 of the Session Laws of Hawaii 1949, is hereby amended by deleting therefrom the words "subsequent to the visible commencement of operations but" in lines 18, 19 and 20 of said section as amended. [Series C-240.]

Section 2. Section 7 of Act 241 [Series C-240.] of the Session Laws of Hawaii 1949 is hereby amended by the insertion of the word "pending" between the words "any" and "action" in line 4 thereof, and by changing the period at the end of the first sentence thereof to a comma, and adding the following: "subject to the provisions of the last sentence of section 8770 as herein amended".

Section 3. The amendments herein set forth shall be deemed as declaratory of the intent of the legislature in passing Act 241 of the Session Laws of Hawaii 1949.

Section 4. This Act shall take effect upon approval.

(Approved May 18, 1951.) S.B. 463, Act 95.

* § 8772. Priority, record of; satisfaction. AM. L. 1949, Act 241 [C-240].

§ 8773. Demand; enforcement; foreclosure; other attachment. AM. L. 1949, Act 241 [C-240].

§ 8775. Lien on personalty for work done and materials furnished. AM. L. 1949, Act 187 [C-241].

§§ 8780-83. Rep. L. 1951, Act 39 [C-218], post.

Chapter 170. LOANS: INDUSTRIAL LOAN ACT.

Series C-212: ACT 88

An Act to Provide for an Annual License Fee
for Industrial Loan Companies.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 170 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto a new section to be numbered and to read as follows:

"Sec. 8811.01. Annual license fee. On or before the last day of December of each year following the year in which the license is issued, each licensee shall pay to the treasurer for the use of the territory the sum of thirty-five dollars. The treasurer shall then issue to the licensee a certificate evidencing payment of the fee. It shall be unlawful to conduct an industrial loan business unless the license and certificate evidencing payment of the annual fee are prominently displayed by the licensee." [L. 1951, c. 88, s. 1.]

Section 2. This Act shall take effect on January 1, 1952.

(Approved May 18, 1951.) H.B. 678, Act 88.

Series C-213: ACT 97

An Act Relating to Refunds by Industrial Loan Companies.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Subparagraph 6 of **section 8815** of the Revised Laws of Hawaii 1945 is hereby amended by deleting the period at the end of the first sentence thereof and inserting thereafter, and before the second sentence thereof, the following clause:

“, and **provided** further, that checks issued to refund interest which are not presented for payment within three years from the date of issue may be declared cancelled and the sum thereof retained as earnings of the licensee.”

Section 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 18, 1951.) H.B. 675, Act 97.

Series C-214: ACT 87

An Act Amending Chapter 170 of the Revised Laws of Hawaii 1945, by Adding Thereto a New Section Related to the Suspension, Revocation or Surrender of Licenses of Industrial Loan Companies.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 170 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto a new section to be numbered and to read as follows:

“**Sec. 8823.01. Suspension, revocation or surrender of license.** The bank examiner may, upon at least twenty days written notice to the licensee stating the contemplated action and grounds, and upon reasonable opportunity to be heard, revoke any license issued hereunder if he shall find that any fact or condition exists which would clearly have warranted the bank examiner in refusing originally to issue such license.

If the bank examiner shall find that cause for revocation of any license exists and that the enforcement of the chapter requires immediate suspension of such license pending investigation, he may, upon five days written notice and a hearing, suspend such license for a period not exceeding thirty days.

The bank examiner may revoke or suspend only the particular license with respect to which grounds for revocation or suspension may occur or exist, or, if he shall find that such grounds for revocation or suspension are of general application to all licensed places of business, or to more than one licensed place of business, operated by such licensee, he shall revoke or suspend all of the licenses issued to such licensee or such licenses as such grounds apply to, as the case may be.

Any licensee may surrender any license by delivering to the bank examiner written notice that he thereby surrenders such license, but such surrender shall not affect such licensee's civil or criminal liability for acts committed prior to such surrender.

No revocation or suspension or surrender of any license shall impair or affect the obligation of any preexisting lawful contract between the licensee and any borrower.

Every license issued under this chapter shall remain in force and effect until the same shall have been surrendered, revoked, or suspended in accordance with the provisions of this chapter. The bank examiner shall have authority on his own initiative to reinstate suspended licenses or to issue new licenses to a licensee whose license or licenses shall have been revoked if no fact or condition then exists which would have warranted the superintendent in refusing originally to issue such license under this chapter.

Within ten days after receipt of an order effecting revocation or suspension of a license, the party affected thereby may appeal to a circuit judge at chambers at the circuit in which the applicant maintains his or its principal place of business, by filing a notice of appeal with the clerk of the court of said circuit. After hearing, the said judge may order the bank examiner to reverse his decision as to revocation or suspension, or the judge may affirm the action of the bank examiner." [L. 1951, c. 87, s. 1.]

Section 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 18, 1951.) H.B. 677, Act 87.

Chapter 172. MORTGAGES.

Series C-215: ACT 202

An Act Amending Section 8871 of the Revised Laws of Hawaii 1945, With Respect to Mortgage Liens.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The third sentence of **section 8871*** of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"In any case where the mortgagee is under no such contractual duty, the mortgage lien, to the extent that it secures future advances, shall be superior to any mortgage or any other lien, other than liens for taxes and for public improvements, duly recorded subsequent to the time at which such advance has been made, but in the event the mortgagee is under a contractual duty to make future advances and the maximum amount of such future advances is stated in the mortgage, the lien therefor shall be superior to that of any subsequently recorded mortgage or other lien, except liens for taxes and for public improvements, even though such subsequently recorded mortgage or other lien, except liens for taxes and for public improvements, is recorded prior to the date upon which any such advance or advances have been made." [L. 1939, c. 255, pt. of s. 1; R.L. 1945, s. 8871; am. L. 1951, c. 202, s. 1.]

Section 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 28, 1951.) S.B. 462, Act 202.

* The part of § 8871, preceding the above amendment, reads:

Sec. 8871. Lien of mortgages; priority. Every transfer of an interest in property, real or personal, made as security for the performance of another act or subject to defeasance upon the payment of an obligation, whether such transfer shall be made in trust or otherwise, is to be deemed a mortgage and shall create a lien only as security for the obligation and shall not be deemed to pass title. It may secure the repayment of past debt, a debt incurred at the time the mortgage is executed or a debt incurred for advances which may be made by the mortgagee subsequent to the execution of the mortgage even though the mortgagee is under no contractual duty to make such advances. (Here follows above amendment of 1951.)

Chapter 173 A. RELEASE OF POWERS.

§§ 9095.01-.03. Release of powers. NEW, L. 1947, Act 126 [C-151].

Chapter 174. SALE OF SECURITIES, UNIFORM ACT.

- § 9104. Exempt securities. AM. L. 1949, Act 210 [C-242].
- § 9105. Exempt transactions. Am. L. 1949, Act 210 [C-242].
- § 9107. Registration by notification. Am. L. 1949, Act 210 [C-242].
- § 9108. Registration by qualification; application to commissioner; hearing, etc. Am. L. 1949, Act 210 [C-242].
- § 9110. Revocation of registration of securities; suspension during investigation; hearing. Am. L. 1949, Act 210 [C-242].
- § 9117. Penalty. Am. L. 1949, Act 210 [C-242], rewritten p. 561.
- § 9120. Advertising. AM. L. 1949, Act 210 [C-242].
- § 9148. Liens. Am. L. 1949, Act 178 [C-243].

Chapter 179. TRADE MARKS, ETC.

§ 9286. Application for certificate; fee. AM. L. 1947, Act 163 [C-152].

Series C-216: ACT 135

An Act Relating to the Registration and Protection of Trade Marks, Prints and Labels, and Amending Section 9288 of the Revised Laws of Hawaii 1945.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 9288 of the Revised Laws of Hawaii 1945 is hereby amended by inserting after the words and figures "of chapter 155" in line 7 thereof the words and figures "or of chapter 157," so that said line up to the semicolon shall read as follows:

"of chapter 155 or of chapter 157 or of chapter 163."

Section 2. This Act shall take effect on July 1, 1951.

(Approved May 21, 1951.) H.B. 833, Act 135.

§ 9290. Revocation. AM. L. 1947, Act 163 [C-152].

Chapter 180. TRADE REGULATIONS.

§§ 9308.01-.08. Unfair trade; sale surplus (U. S.) goods. NEW, L. 1945, Act 214 [C-152].

Chapter 181 A. TRUST RECEIPTS: UNIFORM ACT.

Series C-217: ACT 43

An Act Relating to Trust Receipts and Pledges of Personal Property Unaccompanied by Possession in the Pledgee, and to Make Uniform the Law With Reference Thereto, and Repealing All Laws Inconsistent Therewith.

Be it Enacted by the Legislature of the Territory of Hawaii:

[Sec. 9341.] Section 1. **Definitions.** In this Act, unless the context or subject matter otherwise requires:

"Buyer in the ordinary course of trade" means a person to whom goods are sold and delivered for new value and who acts in good faith and without actual knowledge of any limitation on the trustee's liberty of sale, including one who takes by conditional sale or under a pre-existing mercantile contract with the trustee to buy the goods delivered, or like goods, for cash or on credit. "Buyer in the ordinary course of trade" does not include a pledgee, a mortgagee, a lienor, or a transferee in bulk.

"Document" means any document of title to goods.

"Entruster" means the person who has or directly or by agent takes a security interest in goods, documents or instruments under a trust receipt transaction, and any successor in interest of such person. A person in the business of selling goods or instruments for profit, who at the outset of the transaction has, as against the buyer, general property in such goods or instruments, and who sells the same to the buyer on credit, retaining title or other security interest under a purchase money mortgage or conditional sales contract or otherwise, is excluded.

"Goods" means any chattels personal other than: money, things in action, or things so affixed to land as to become a part thereof.

"Instrument" means (a) any negotiable instrument as defined in chapter 173, Revised Laws of Hawaii 1945, and amendments thereto, or (b) any certificate of stock, or bond or debenture for the payment of money issued by a public or private corporation as part of a series, or (c) any interim, deposit, or participation certificate or receipt, or other credit or investment instrument of

a sort marketed in the ordinary course of business or finance, of which the trustee, after the trust receipt transaction, appears by virtue of possession and the face of the instrument to be the owner. "Instrument" does not include any document of title to goods.

"Lien creditor" means any creditor who has acquired a specific lien on the goods, documents or instruments by attachment, levy or by any other similar operation of law or judicial process including a distraining landlord.

"New value" includes new advances or loans made, or new obligations incurred, or the release or surrender of a valid and existing security interest, or the release of a claim to proceeds under section 10 of this Act; but "new value" shall not be construed to include extensions or renewals of existing obligations of the trustee, nor obligations substituted for such existing obligations.

"Person" means, as the case may be, an individual, trustee, receiver or other fiduciary, partnership, corporation, business trust, or other association, and two or more persons having a joint or common interest.

"Possession," as used in this Act with reference to possession taken or retained by the entruster, means actual possession of goods, documents or instruments, or, in the case of goods, such constructive possession as, by means of tags or signs or other outward marks placed and remaining in conspicuous places, may reasonably be expected in fact to indicate to the third party in question that the entruster has control over or interest in the goods.

"Purchase" means taking by sale, conditional sale, lease, mortgage, or pledge, legal or equitable.

"Purchaser" means any person taking by purchase. A pledgee, mortgagee or other claimant of a security interest created by contract is, insofar as concerns his specific security, a purchaser and not a creditor.

"Security interest" means a property interest in goods, documents or instruments, limited in extent to securing performance of some obligation of the trustee or of some third person to the entruster, and includes the interest of a pledgee, and title, whether or not expressed to be absolute, whenever such title is in substance taken or retained for security only.

"Transferee in bulk" means a mortgagee or a pledgee or a buyer of the trustee's business substantially as a whole.

"Trustee" means the person having or taking possession of goods, documents or instruments under a trust receipt transaction, and any successor in interest of such person. The use of the word "trustee" herein shall not be interpreted or construed

to imply the existence of a trust or any right or duty of a trustee in the sense of equity jurisprudence other than as provided by this Act.

"Value" means any consideration sufficient to support a simple contract. An antecedent or pre-existing claim, whether for money or not, and whether against the transferor or against another person, constitutes value where goods, documents or instruments are taken either in satisfaction thereof or as security therefor. [L. 1951, c. 43, s. 1.]

[Sec. 9342.] Section 2. What constitutes trust receipt transaction and trust receipt.

1. A trust receipt transaction within the meaning of this Act is any transaction to which an entruster and a trustee are parties, for one of the purposes set forth in subsection 3 of this section whereby (a) the entruster or any third person delivers to the trustee goods, documents or instruments in which the entruster (i) prior to the transaction has, or for new value (ii) by the transaction acquires or (iii) as the result thereof is to acquire promptly, a security interest; or (b) the entruster gives new value in reliance upon the transfer by the trustee to such entruster of a security interest in instruments or documents which are actually exhibited to such entruster, or to his agent in that behalf, at a place of business of either entruster or agent, but possession of which is retained by the trustee; provided that the delivery under paragraph (a) or the giving of new value under paragraph (b) either (i) be against the signing and delivery by the trustee of a writing designating the goods, documents or instruments concerned, and reciting that a security interest therein remains in or will remain in, or has passed to or will pass to, the entruster, or (ii) be pursuant to a prior or concurrent written and signed agreement of the trustee to give such a writing.

The security interest of the entruster may be derived from the trustee or from any other person, and by pledge or by transfer of title or otherwise.

If the trustee's rights in the goods, documents or instruments are subject to a prior trust receipt transaction, or to a prior equitable pledge, section 9 and section 3, respectively, of this Act, determine the priorities.

2. A writing such as is described in subsection 1 of this section, paragraph (i), signed by the trustee, and given in or pursuant to such a transaction, is designated in this Act as a "trust receipt." No further formality of execution or authentication shall be necessary to the validity of a trust receipt.

3. A transaction shall not be deemed a trust receipt transaction unless the possession of the trustee thereunder is for a

purpose substantially equivalent to any one of the following:

(a) In the case of goods, documents or instruments, for the purpose of selling or exchanging them, or of procuring their sale or exchange; or

(b) In the case of goods or documents, for the purpose of manufacturing or processing the goods delivered or covered by the documents, with the purpose of ultimate sale, or for the purpose of loading, unloading, storing, shipping, transshipping or otherwise dealing with them in a manner preliminary to or necessary to their sale; or

(c) In the case of instruments for the purpose of delivering them to a principal, under whom the trustee is holding them, or for consummation of some transaction involving delivery to a depositary or registrar, or for their presentation, collection, or renewal.

4. A transaction which shall otherwise constitute a trust receipt transaction within the meaning of this Act shall be deemed such a trust receipt transaction notwithstanding that the goods, documents or instruments involved in the transaction shall constitute or relate to motor vehicles within the meaning of chapter 138, Revised Laws of Hawaii 1945, and compliance with the provisions of said chapter 138 shall not be required to perfect and maintain the entruster's security interest in such goods, documents or instruments. [L. 1951, c. 43, s. 2.]

[Sec. 9343.] Section 3. Attempted creation or continuance of pledge without delivery or retention of possession.

1. An attempted pledge or agreement to pledge not accompanied by delivery of possession, which does not fulfill the requirements of a trust receipt transaction, shall be valid as against creditors of the pledgor only as follows:

(a) To the extent that new value is given by the pledgee in reliance thereon, such pledge or agreement to pledge shall be valid as against all creditors with or without notice, for ten days from the time the new value is given;

(b) To the extent that the value given by the pledgee is not new value, and in the case of new value after the lapse of ten days from the giving thereof, the pledge shall have validity as against lien creditors without notice, who become such as prescribed in section 8, only as of the time the pledgee takes possession, and without relation back.

2. Purchasers (including entrusters) for value and without notice of the pledgee's interest shall take free of any such pledge or agreement to pledge unless, prior to the purchase, it has been perfected by possession taken.

3. Where, under circumstances not constituting a trust receipt transaction, a person, for a temporary and limited purpose, delivers goods, documents, or instruments in which he holds a pledgee's or other security interest, to the person holding the beneficial interest therein, the transaction has like effect with a purported pledge for new value under this section. [L. 1951, c. 43, s. 3.]

[Sec. 9344.] Section 4. Contract to give trust receipt.

1. A contract to give a trust receipt, if in writing and signed by the trustee, shall, with reference to goods, documents or instruments thereafter delivered by the entruster to the trustee in reliance on such contract, be equivalent in all respects to a trust receipt.

2. Such a contract shall as to such goods, documents, or instruments be specifically enforceable against the trustee; but this subsection shall not enlarge the scope of the entruster's rights against creditors of the trustee as limited by this Act. [L. 1951, c. 43, s. 4.]

[Sec. 9345.] Section 5. Validity between the parties. Between the entruster and the trustee the terms of the trust receipt shall, save as otherwise provided by this Act, be valid and enforceable. But no provision for forfeiture of the trustee's interest shall be valid except as provided in subsection 5 of section 6. [L. 1951, c. 43, s. 5.]

[Sec. 9346.] Section 6. Repossession, and entruster's rights on default.

1. The entruster shall be entitled as against the trustee to possession of the goods, documents or instruments on default, and as may be otherwise specified in the trust receipt.

2. An entruster entitled to possession under the terms of the trust receipt or of subsection 1 of this section may take such possession without legal process, whenever that is possible without breach of the peace.

3. (a) After possession taken, the entruster shall, subject to subdivision (b) and subsection 5 of this section, hold such goods, documents or instruments with the rights and duties of a pledgee.

(b) An entruster in possession may, on or after default, give notice to the trustee of intention to sell, and may, not less than five days after the serving or sending of such notice, sell the goods, documents or instruments for the trustee's account, at public or private sale, and may at a public sale himself become a purchaser. The proceeds of any such sale, whether public or private, shall be applied (i) to the payment of the expenses thereof, (ii) to the payment of the expenses of retaking, keeping and

storing the goods, documents, or instruments, (iii) to the satisfaction of the trustee's indebtedness. The trustee shall receive any surplus and shall be liable to the entruster for any deficiency. Notice of sale shall be deemed sufficiently given if in writing, and either (i) personally served on the trustee, or (ii) sent by post-paid ordinary mail to the trustee's last known business address.

(c) A purchaser in good faith and for value from an entruster in possession takes free of the trustee's interest, even in a case in which the entruster is liable to the trustee for conversion.

4. Surrender of the trustee's interest to the entruster shall be valid, on any terms upon which the trustee and the entruster may, after default, agree.

5. As to articles manufactured by style or model, the terms of the trust receipt may provide for forfeiture of the trustee's interest, at the election of the entruster, in the event of the trustee's default, against cancellation of the trustee's then remaining indebtedness; provided that in the case of the original maturity of such an indebtedness there must be cancelled not less than 80% of the purchase price to the trustee, or of the original indebtedness, whichever is greater; or, in the case of a first renewal, not less than 70%, or, in the case of a second or further renewal, not less than 60%. [L. 1951, c. 43, s. 6.]

[Sec. 9347.] Section 7. General effect of entruster's filing or taking possession.

1. (a) If the entruster within the period of thirty days specified in subsection 1 of section 8 of this Act files as in this Act provided such filing shall be effective to preserve his security interest in documents or goods against all persons, save as otherwise provided by sections 8, 9, 10, 11, 14 and 15 of this Act.

(b) Filing after the lapse of the said period shall be valid; but in such event, save as provided in subsection 2 (b) of section 9 of this Act, the entruster's security interest shall be deemed to be created by the trustee as of the time of such filing, without relation back, as against all persons not having notice of such interest.

2. The taking of possession by the entruster shall, so long as such possession is retained, have the effect of filing, in the case of goods or documents; and of notice of the entruster's security interest to all persons, in the case of instruments. [L. 1951, c. 43, s. 7.]

[Sec. 9348.] Section 8. Validity against creditors.

1. The entruster's security interest in goods, documents or instruments under the written terms of a trust receipt transaction, shall without any filing be valid as against all creditors of the

trustee, with or without notice, for thirty days after delivery of the goods, documents or instruments to the trustee, and thereafter except as in this Act otherwise provided.

But where the trustee at the time of the trust receipt transaction has and retains instruments, the thirty days shall be reckoned from the time such instruments are actually shown to the entruster, or from the time that the entruster gives new value under the transaction, whichever is prior.

2. Save as provided in subsection 1, the entruster's security interest shall be void as against lien creditors who become such after such thirty day period and without notice of such interest and before filing.

3. (a) Where a creditor secures the issuance of process which within a reasonable time after such issuance results in attachment of or levy on the goods, he is deemed to have become a lien creditor as of the date of the issuance of the process.

(b) Unless prior to the acquisition of notice by all creditors filing has occurred or possession has been taken by the entruster, (i) an assignee for the benefit of creditors, from the time of assignment, or (ii) a receiver in equity from the time of his appointment, or (iii) a trustee in bankruptcy or judicial insolvency proceedings from the time of filing of the petition in bankruptcy or judicial insolvency by or against the trustee, shall, on behalf of all creditors, stand in the position of a lien creditor without notice, without reference to whether he personally has or has not, in fact, notice of the entruster's interest. [L. 1951, c. 43, s. 8.]

[Sec. 9349.] Section 9. Limitations on entruster's protection against purchasers.

1. Purchasers of negotiable documents or instruments:

(a) Nothing in this Act shall limit the rights of purchasers in good faith and for value from the trustee of negotiable instruments or negotiable documents, and purchasers taking from the trustee for value, in good faith, and by transfer in the customary manner instruments in such form as are by common practice purchased and sold as if negotiable, shall hold such instruments free of the entruster's interest; and filing under this Act shall not be deemed to constitute notice of the entruster's interest to purchasers in good faith and for value of such documents or instruments, other than transferees in bulk.

(b) The entrusting (directly, by agent, or through the intervention of a third person) of goods, documents or instruments by an entruster to a trustee, under a trust receipt transaction or a transaction falling within section 3 of this Act, shall be equivalent to the like entrusting of any documents or instruments which the trustee may procure in substitution, or which repre-

sent the same goods or instruments or the proceeds thereof, and which the trustee negotiates to a purchaser in good faith and for value.

2. Where a buyer from the trustee is not protected under subsection 1 hereof, the following rules shall govern:

(a) Sales by trustee in the ordinary course of trade.

(i) Where the trustee, under the trust receipt transaction, has liberty of sale and sells to a buyer in the ordinary course of trade, whether before or after the expiration of the thirty day period specified in subsection 1 of section 8 of this Act, and whether or not filing has taken place, such buyer takes free of the entruster's security interest in the goods so sold, and no filing shall constitute notice of the entruster's security interest to such a buyer.

(ii) No limitation placed by the entruster on the liberty of sale granted to the trustee shall affect a buyer in the ordinary course of trade, unless the limitation is actually known to the latter.

(b) Purchasers other than buyers in the ordinary course of trade.

In the absence of filing, the entruster's security interest in goods shall be valid, as against purchasers, save as provided in this section; but any purchaser, not a buyer in the ordinary course of trade, who, in good faith and without notice of the entruster's security interest and before filing, either (i) gives new value before the expiration of the thirty day period specified in subsection 1 of section 8 of this Act, or (ii) gives value after said period, and who in either event before filing also obtains delivery of goods from a trustee shall hold the subject matter of his purchase free of the entruster's security interest; but a transferee in bulk can take only under (ii) of this subdivision (b).

(c) Liberty of sale.

If the entruster consents to the placing of goods subject to a trust receipt transaction in the trustee's stock in trade or in his sales or exhibition rooms, or allows such goods to be so placed or kept, such consent or allowance shall have like effect as granting the trustee liberty of sale.

3. As to all cases covered by this section the purchase of goods, documents or instruments on credit shall constitute a purchase for new value, but the entruster shall be entitled to any debt owing to the trustee and any security therefor, by reason of such purchase; except that the entruster's right shall be subject to any setoff or defense valid against the trustee and accruing before the purchaser has actual notice of the entruster's interest. [L. 1951, c. 43, s. 9.]

[Sec. 9350.] Section 10. Entruster's right to proceeds.

Where, under the terms of the trust receipt transaction, the trustee has no liberty of sale or other disposition, or, having liberty of sale or other disposition, is to account to the entruster for the proceeds of any disposition of the goods, documents or instruments, the entruster shall be entitled, to the extent to which and as against all classes of persons as to whom his security interest was valid at the time of disposition by the trustee, as follows:

(a) To the debts described in section 9 (3) of this Act; and also

(b) To any proceeds or the value of any proceeds (whether such proceeds are identifiable or not), of the goods, documents or instruments, if said proceeds were received by the trustee within ten days prior to either application for appointment of a receiver of the trustee, or the filing of a petition in bankruptcy or judicial insolvency proceedings by or against the trustee, or demand made by the entruster for prompt accounting; and to a priority to the amount of such proceeds or value; and also

(c) To any other proceeds of the goods, documents or instruments which are identifiable, unless the provision for accounting has been waived by the entruster by words or conduct; and knowledge by the entruster of the existence of proceeds, without demand for accounting made within ten days from such knowledge, shall be deemed such a waiver. [L. 1951, c. 43, s. 10.]

[Sec. 9351.] Section 11. Liens in course of business good against entruster.

Specific liens arising out of contractual acts of the trustee with reference to the processing, warehousing, shipping or otherwise dealing with specific goods in the usual course of the trustee's business preparatory to their sale shall attach against the interest of the entruster in said goods as well as against the interest of the trustee, whether or not filing has occurred under this Act; but this section shall not obligate the entruster personally for any debt secured by such lien; nor shall it be construed to include the lien of a landlord. [L. 1951, c. 43, s. 11.]

[Sec. 9352.] Section 12. Entruster not responsible on sale by trustee.

An entruster holding a security interest shall not, merely by virtue of such interest or of his having given the trustee liberty of sale or other disposition, be responsible as principal or as vendor under any sale or contract to sell made by the trustee. [L. 1951, c. 43, s. 12.]

[Sec. 9353.] Section 13. Filing and refiling concerning trust receipt transactions covering documents or goods.

1. Any entruster undertaking or contemplating trust receipt transactions with reference to documents of goods is entitled to file with the registrar of conveyances a statement, signed by the entruster and the trustee, containing:

(a) A designation of the entruster and the trustee, and of the chief place of business of each within this territory, if any; and if the entruster has no place of business within the territory, a designation of his chief place of business outside the territory; and

(b) A statement that the entruster is engaged, or expects to be engaged, in financing under trust receipt transactions the acquisition of goods by the trustee; and

(c) A description of the kind or kinds of goods covered or to be covered by such financing.

2. The following form of statement (or any other form of statement containing substantially the same information) shall suffice for the purposes of this Act:

"Statement of Trust Receipt Financing.

The Entruster, whose chief place of business within this territory is at, (or who has no place of business within this territory and whose chief place of business outside this territory is at) is or expects to be engaged in financing under trust receipt transactions the acquisition by the trustee, whose chief place of business within this territory is at of goods of the following description: (coffee, silk, automobiles, or the like).

(Signed) Entruster

(Signed) Trustee."

3. It shall be the duty of the registrar of conveyances to mark each statement filed with a consecutive file number, and with the date and hour of filing, and to keep such statements in a suitable file; and to note and index the filing in a suitable index, indexed according to the name of the trustee and containing a notation of the trustee's chief place of business as given in the statement. The fee for such filing shall be \$1.50.

4. Presentation for filing of the statement described in subsection 1 of this section, and payment of the filing fee, shall constitute filing under this Act, in favor of the entruster, as to any documents or goods falling within the description in the statement which are within one year from the date of such filing, or have been, within thirty days previous to such filing,

the subject matter of a trust receipt transaction between the entruster and the trustee.

5. At any time before expiration of the validity of the filing, as specified in subsection 4 of this section, a like statement, or an affidavit by the entruster alone, setting out the information required by said subsection 1, and containing a reference to the original statement by file number, may be filed in like manner as the original filing. Any filing of such further statement or affidavit shall be valid in like manner and for like period as an original filing, and shall also continue the rank of the entruster's existing security interest as against all junior interests. It shall be the duty of the registrar of conveyances to mark, file and index the further statement or affidavit in like manner as the original. [L. 1951, c. 43, s. 13.]

[Sec. 9354.] Section 14. Limitations on extent of obligation secured.

As against purchasers and creditors, the entruster's security interest may extend to any obligation for which the goods, documents or instruments were security before the trust receipt transaction, and to any new value given or agreed to be given as a part of such transaction; but not, otherwise, to secure past indebtedness of the trustee; nor shall the obligation secured under any trust receipt transaction extend to obligations of the trustee to be subsequently created. [L. 1951, c. 43, s. 14.]

[Sec. 9355.] Section 15. Act not applicable to certain transactions.

This Act shall not apply to single transactions of legal or equitable pledge, not constituting a course of business, whether such transactions be unaccompanied by delivery of possession, or involve constructive delivery, or delivery and redelivery, actual or constructive, so far as such transactions involve only an entruster who is an individual natural person, and a trustee entrusted as a fiduciary with handling investments or finances of the entruster; nor shall it apply to transactions of bailment or consignment in which the title of the bailor or consignor is not retained to secure an indebtedness to him of the bailee or consignee. [L. 1951, c. 43, s. 15.]

[Sec. 9356.] Section 16. Election among filing statutes.

As to any transaction falling within the provisions both of this Act and of any other law requiring filing or recording, the entruster shall not be required to comply with both, but by complying with the provisions of either at his election may have the protection given by the Act complied with; except that buyers in the ordinary course of trade as described in subsection 2 of section 9, and lienors as described in section 11,

shall be protected as therein provided, although the compliance of the entruster be with the filing or recording requirements of another Act. [L. 1951, c. 43, s. 16.]

[Sec. 9357.] Section 17. Cases not provided for.

In any case not provided for in this Act the rules of law and equity, including the law merchant, shall continue to apply to trust receipt transactions and purported pledge transactions not accompanied by delivery of possession. [L. 1951, c. 43, s. 17.]

[Section. 9358.] Section 18. Uniformity of interpretation.

This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of the states and territories which enact it. [L. 1951, c. 43, s. 18.]

[Sec. 9359.] Section 19. Constitutionality.

If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable. [L. 1951, c. 43, s. 19.]

[Sec. 9360.] Section 20. Short title.

This Act may be cited as the Uniform Trust Receipts Act. [L. 1951, c. 43, s. 20.]

[Sec. 9361.] Section 21. Inconsistent laws repealed.

Notwithstanding the provisions of any general or special law, the provisions of this Act shall control, excepting as to trust receipts and pledge transactions entered into before this Act becomes effective; and all Acts or parts of Acts inconsistent with this Act are hereby repealed. [L. 1951, c. 43, s. 21.]

Section 22. Effective date.

This Act shall take effect on July 1, 1951.

(Approved May 5, 1951.) H.B. 748, Act 43.

Chapter 181 B. WAREHOUSE RECEIPTS: UNIFORM ACT.

Series C-218: ACT 39

An Act Relating to the Issuance, Negotiation and Transfer of Warehouse Receipts and the Obligations and Rights of Warehousemen Upon Their Receipts and with Respect to Warehoused Goods; to Make Uniform the Law with Respect Thereto; Creating Offenses and Providing Penalties Therefor; and Repealing Sections 8780 to 8783, Inclusive, of the Revised Laws of Hawaii 1945, and All Other Laws Inconsistent therewith.

Be it Enacted by the Legislature of the Territory of Hawaii:

[Sec. 9371.] Section 1. **Persons who may issue receipts.** Warehouse receipts may be issued by any warehouseman. [L. 1951, c. 39, s. 1.]

[Sec. 9372.] Section 2. **Form of receipts.** Essential terms. Warehouse receipts need not be in any particular form, but every such receipt must embody within its written or printed terms:

- (a) The location of the warehouse where the goods are stored,
- (b) The date of issue of the receipt,
- (c) The consecutive number of the receipt,
- (d) A statement whether the goods received will be delivered to the bearer, to a specified person or to a specified person or his order,
- (e) The rate of storage charges,
- (f) A description of the goods or of the packages containing them,
- (g) The signature of the warehouseman, which may be made by his authorized agent,
- (h) If the receipt is issued for goods of which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership, and
- (i) A statement of the amount of advances made and of liabilities incurred for which the warehouseman claims a lien. If the precise amount of such advances made or of such liabilities incurred is, at the time of the issue of the receipt, unknown to the warehouseman or to his agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof is sufficient.

A warehouseman shall be liable to any person injured thereby, for all damage caused by the omission from a negotiable receipt of any of the terms herein required. [L. 1951, c. 39, s. 2.]

[Sec. 9373.] Section 3. **Form of receipts.** What terms may be inserted. A warehouseman may insert in a receipt, issued by him, any other terms and conditions, provided that such terms and conditions shall not:

- (a) Be contrary to the provisions of this Act.
- (b) In anywise impair his obligation to exercise that degree of care in the safekeeping of the goods entrusted to him which a reasonably careful man would exercise in regard to similar goods of his own. [L. 1951, c. 39, s. 3.]

[Sec. 9374.] Section 4. **Definition of non-negotiable receipt.** A receipt in which it is stated that the goods received will be delivered to the depositor, or to any other specified person, is a non-negotiable receipt. [L. 1951, c. 39, s. 4.]

[Sec. 9375.] Section 5. **Definition of negotiable receipt.** A receipt in which it is stated that the goods received will be delivered to the bearer or to the order of any person named in such receipt is a negotiable receipt.

No provision shall be inserted in a negotiable receipt that it is non-negotiable. Such provision, if inserted, shall be void. [L. 1951, c. 39, s. 5.]

[Sec. 9376.] Section 6. **Duplicate receipts must be so marked.** When more than one negotiable receipt is issued for the same goods, the word "duplicate" shall be plainly placed upon the face of every such receipt, except the one first issued. A warehouseman shall be liable for all damage caused by his failure so to do to any one who purchased the subsequent receipt for value supposing it to be an original, even though the purchase be after the delivery of the goods by the warehouseman to the holder of the original receipt. [L. 1951, c. 39, s. 6.]

[Sec. 9377.] Section 7. **Failure to mark "not negotiable."** A non-negotiable receipt shall have plainly placed upon its face by the warehouseman issuing it "non-negotiable" or "not negotiable". In case of the warehouseman's failure so to do, a holder of the receipt who purchased it for value supposing it to be negotiable, may, at his option, treat such receipt as imposing upon the warehouseman the same liabilities he would have incurred had the receipt been negotiable.

This section shall not apply, however, to letters, memoranda or written acknowledgments of an informal character. [L. 1951, c. 39, s. 7.]

[Sec. 9378.] Section 8. **Obligation of warehouseman to deliver.** A warehouseman, in the absence of some lawful excuse provided by this Act, is bound to deliver the goods upon a demand made

either by the holder of a receipt for the goods or by the depositor, if such demand is accompanied with:

- (a) An offer to satisfy the warehouseman's lien,
- (b) An offer to surrender the receipt if negotiable, with such indorsements as would be necessary for the negotiation of the receipt, and
- (c) A readiness and willingness to sign, when the goods are delivered, an acknowledgment that they have been delivered, if such signature is requested by the warehouseman.

In case the warehouseman refuses or fails to deliver the goods in compliance with a demand by the holder or depositor so accompanied, the burden shall be upon the warehouseman to establish the existence of a lawful excuse for such refusal. [L. 1951, c. 39, s. 8.]

[Sec. 9379.] Section 9. **Justification of warehouseman in delivering.** A warehouseman is justified in delivering the goods, subject to the provisions of the three following sections, to one who is:

- (a) The person lawfully entitled to the possession of the goods, or his agent,
- (b) A person who is either himself entitled to delivery by the terms of a non-negotiable receipt issued for the goods, or who has written authority from the person so entitled either indorsed upon the receipt or written upon another paper, or
- (c) A person in possession of a negotiable receipt by the terms of which the goods are deliverable to him or order or to bearer, or which has been endorsed to him or in blank by the person to whom delivery was promised by the terms of the receipt or by his mediate or immediate indorsee. [L. 1951, c. 39, s. 9.]

[Sec. 9380.] Section 10. **Warehouseman's liability for misdelivery.** Where a warehouseman delivers the goods to one who is not in fact lawfully entitled to the possession of them, the warehouseman shall be liable as for conversion to all having a right of property or possession in the goods if he delivered the goods otherwise than as authorized by subdivisions (b) and (c) of the preceding section and though he delivered the goods as authorized by said subdivisions he shall be so liable, if prior to such delivery he had either:

- (a) Been requested, by or on behalf of the person lawfully entitled to a right of property or possession in the goods, not to make such delivery, or
- (b) Had information that the delivery about to be made was to one not lawfully entitled to the possession of the goods. [L. 1951, c. 39, s. 10.]

[Sec. 9381.] Section 11. **Negotiable receipts must be cancelled when goods delivered.** Except as provided in section 36, where a warehouseman delivers goods for which he had issued a negotiable receipt, the negotiation of which would transfer the right to the possession of the goods, and fails to take up and cancel the receipt, he shall be liable to any one who purchases for value in good faith such receipt, for failure to deliver the goods to him, whether such purchaser acquired title to the receipt before or after the delivery of the goods by the warehouseman. [L. 1951, c. 39, s. 11.]

[Sec. 9382.] Section 12. **Negotiable receipts must be canceled or marked when part of goods delivered.** Except as provided in section 36, where a warehouseman delivers part of the goods for which he had issued a negotiable receipt and fails either to take up and cancel such receipt, or to place plainly upon it a statement of what goods or packages have been delivered, he shall be liable, to any one who purchases for value in good faith such receipt, for failure to deliver all the goods specified in the receipt, whether such purchaser acquired title to the receipt before or after the delivery of any portion of the goods by the warehouseman. [L. 1951, c. 39, s. 12.]

[Sec. 9383.] Section 13. **Altered receipts.** The alteration of a receipt shall not excuse the warehouseman who issued it from any liability if such alteration was:

- (a) Immaterial,
- (b) Authorized, or
- (c) Made without fraudulent intent.

If the alteration was authorized, the warehouseman shall be liable according to the terms of the receipt as altered. If the alteration was unauthorized, but made without fraudulent intent, the warehouseman shall be liable according to the terms of the receipt, as they were before alteration.

Material and fraudulent alteration of a receipt shall not excuse the warehouseman who issued it from liability to deliver, according to the terms of the receipt as originally issued, the goods for which it was issued, but shall excuse him from any other liability to the person who made the alteration and to any person who took with notice of the alteration. Any purchaser of the receipt for value without notice of the alteration shall acquire the same rights against the warehouseman which such purchaser would have acquired if the receipt had not been altered at the time of the purchase. [L. 1951, c. 39, s. 13.]

[Sec. 9384.] Section 14. **Lost or destroyed receipts.** Where a negotiable receipt has been lost or destroyed, a court of competent

jurisdiction may order the delivery of the goods upon satisfactory proof of such loss or destruction and upon the giving of a bond with sufficient sureties to be approved by the court to protect the warehouseman from any liability or expense, which he or any person injured by such delivery may incur by reason of the original receipt remaining outstanding. The court may also in its discretion order the payment of the warehouseman's reasonable costs and counsel fees.

The delivery of the goods under an order of the court as provided in this section, shall not relieve the warehouseman from liability to a person to whom the negotiable receipt has been or shall be negotiated for value without notice of the proceedings or of the delivery of the goods. [L. 1951, c. 39, s. 14.]

[Sec. 9385.] Section 15. **Effect of duplicate receipts.** A receipt upon the face of which the word "duplicate" is plainly placed is a representation and warranty by the warehouseman that such receipt is an accurate copy of an original receipt properly issued and uncanceled at the date of the issue of the duplicate, but shall impose upon him no other liability. [L. 1951, c. 39, s. 15.]

[Sec. 9386.] Section 16. **Warehouseman cannot set up title in himself.** No title or right to the possession of the goods, on the part of the warehouseman, unless such title or right is derived directly or indirectly from a transfer made by the depositor at the time of or subsequent to the deposit for storage, or from the warehouseman's lien, shall excuse the warehouseman from liability for refusing to deliver the goods according to the terms of the receipt. [L. 1951, c. 39, s. 16.]

[Sec. 9387.] Section 17. **Interpleader of adverse claimants.** If more than one person claims the title or possession of the goods, the warehouseman may, either as a defense to an action brought against him for non-delivery of the goods, or as an original suit, whichever is appropriate, require all known claimants to interplead. [L. 1951, c. 39, s. 17.]

[Sec. 9388.] Section 18. **Warehouseman has reasonable time to determine validity of claims.** If some one other than the depositor or person claiming under him has a claim to the title or possession of the goods, and the warehouseman has information of such claim, the warehouseman shall be excused from liability for refusing to deliver the goods, either to the depositor or person claiming under him or to the adverse claimant, until the warehouseman has had a reasonable time to ascertain the validity of the adverse claim or to bring legal proceedings to compel all claimants to interplead. [L. 1951, c. 39, s. 18.]

[Sec. 9389.] Section 19. **Adverse title is no defense except as above provided.** Except as provided in the two preceding sections and in sections 9 and 36, no right or title of a third person shall be a defense to an action brought by the depositor or person claiming under him against the warehouseman for failure to deliver the goods according to the terms of the receipt. [L. 1951, c. 39, s. 19.]

[Sec. 9390.] Section 20. **Liability for non-existence or misdescription of goods.** A warehouseman shall be liable to the holder of a receipt, issued by him or on his behalf by an agent or employee the scope of whose actual or apparent authority includes the issuing of warehouse receipts, for damages caused by the non-existence of the goods or by the failure of the goods to correspond with the description thereof in the receipt at the time of its issue. If, however, the goods are described in a receipt merely by a statement of marks or labels upon them, or upon packages containing them, or by a statement that the goods are said to be goods of a certain kind, or that the packages containing the goods are said to contain goods of a certain kind, or by words of like purport, such statements, if true, shall not make liable the warehouseman issuing the receipt; although the goods are not of the kind which the marks or labels upon them indicate, or of the kind they were said to be by the depositor. [L. 1951, c. 39, s. 20.]

[Sec. 9391.] Section 21. **Liability for care of goods.** A warehouseman shall be liable for any loss or injury to the goods caused by his failure to exercise such care in regard to them as a reasonably careful owner of similar goods would exercise, but he shall not be liable, in the absence of an agreement to the contrary, for any loss or injury to the goods which could not have been avoided by the exercise of such care. [L. 1951, c. 39, s. 21.]

[Sec. 9392.] Section 22. **Goods must be kept separate.** Except as provided in the following section, a warehouseman shall keep the goods so far separate from goods of other depositors, and from other goods of the same depositor for which a separate receipt has been issued, as to permit at all times the identification and redelivery of the goods deposited. [L. 1951, c. 39, s. 22.]

[Sec. 9393.] Section 23. **Fungible goods may be commingled, if warehouseman authorized.** If authorized by agreement or by custom, a warehouseman may mingle fungible goods with other goods of the same kind and grade. In such case the various depositors of the mingled goods shall own the entire mass in common and each depositor shall be entitled to such portion thereof as the amount deposited by him bears to the whole. [L. 1951, c. 39, s. 23.]

[Sec. 9394.] Section 24. **Liability of warehouseman to depositors of commingled goods.** The warehouseman shall be severally liable to each depositor for the care and redelivery of his share of such mass to the same extent and under the same circumstances as if the goods had been kept separate. [L. 1951, c. 39, s. 24.]

[Sec. 9395.] Section 25. **Attachment or levy upon goods for which negotiable receipt has been issued.** If goods are delivered to a warehouseman by the owner or by a person whose act in conveying the title to them to a purchaser in good faith for value would bind the owner, and a negotiable receipt is issued for them, they cannot thereafter, while in the possession of the warehouseman, be attached by garnishment or otherwise, or be levied upon under an execution, unless the receipt be first surrendered to the warehouseman, or its negotiation enjoined. The warehouseman shall in no case be compelled to deliver up the actual possession of the goods until the receipt is surrendered to him or impounded by the court. [L. 1951, c. 39, s. 25.]

[Sec. 9396.] Section 26. **Creditors' remedies to reach negotiable receipts.** A creditor whose debtor is the owner of a negotiable receipt shall be entitled to such aid from courts of appropriate jurisdiction, by injunction and otherwise, in attaching such receipt or in satisfying the claim by means thereof as is allowed at law or in equity, in regard to property which cannot readily be attached or levied upon by ordinary legal process. [L. 1951, c. 39, s. 26.]

[Sec. 9397.] Section 27. **What claims are included in the warehouseman's lien.** Subject to the provisions of section 30, a warehouseman shall have a lien on goods deposited or on the proceeds thereof in his hands, for all lawful charges for storage and preservation of the goods; also for all lawful claims for money advanced, interest, insurance, transportation, labor, weighing, cooping and other charges and expenses in relation to such goods; also for all reasonable charges and expenses for notice, and advertisements of sale, and for sale of the goods where default has been made in satisfying the warehouseman's lien. [L. 1951, c. 39, s. 27.]

[Sec. 9398.] Section 28. **Against what property the lien may be enforced.** Subject to the provisions of section 30 a warehouseman's lien may be enforced.

(a) Against all goods, whenever deposited, belonging to the person who is liable as debtor for the claims in regard to which the lien is asserted, and

(b) Against all goods belonging to others which have been deposited at any time by the person who is liable as debtor for the claims in regard to which the lien is asserted if such person had been so entrusted with the possession of the goods that a pledge of the same by him at the time of the deposit to one who took the goods in good faith for value would have been valid. [L. 1951, c. 39, s. 28.]

[Sec. 9399.] Section 29. **How the lien may be lost.** A warehouseman loses his lien upon goods:

- (a) By surrendering possession thereof, or
- (b) By refusing to deliver the goods when a demand is made with which he is bound to comply under the provisions of this Act. [L. 1951, c. 39, s. 29.]

[Sec. 9400.] Section 30. **Negotiable receipt must state charges for which lien is claimed.** If a negotiable receipt is issued for goods, the warehouseman shall have no lien thereon, except for charges for storage of those goods subsequent to the date of the receipt, unless the receipt expressly enumerates other charges for which a lien is claimed. In such case there shall be a lien for the charges enumerated so far as they are within the terms of section 27, although the amount of the charges so enumerated is not stated in the receipt. [L. 1951, c. 39, s. 30.]

[Sec. 9401.] Section 31. **Warehouseman need not deliver until lien is satisfied.** A warehouseman having a lien valid against the person demanding the goods may refuse to deliver the goods to him until the lien is satisfied. [L. 1951, c. 39, s. 31.]

[Sec. 9402.] Section 32. **Warehouseman's lien does not preclude other remedies.** Whether a warehouseman has or has not a lien upon the goods, he is entitled to all remedies allowed by law to a creditor against his debtor, for the collection from the depositor of all charges and advances which the depositor has expressly or impliedly contracted with the warehouseman to pay. [L. 1951, c. 39, s. 32.]

[Sec. 9403.] Section 33. **Satisfaction of lien by sale.** A warehouseman's lien for a claim which has become due may be satisfied as follows:

The warehouseman shall give a written notice to the person on whose account the goods are held, and to any other person known by the warehouseman to claim an interest in the goods. Such notice shall be given by delivery in person or by registered letter addressed to the last known place of business or abode of the person to be notified. The notice shall contain:

(a) An itemized statement of the warehouseman's claim, showing the sum due at the time of the notice and the date or dates when it became due,

(b) A brief description of the goods against which the lien exists,

(c) A demand that the amount of the claim as stated in the notice, and of such further claim as shall accrue, shall be paid on or before a day mentioned, not less than ten days from the delivery of the notice if it is personally delivered, or from the time when the notice should reach its destination, according to the due course of post, if the notice is sent by mail, and

(d) A statement that unless the claim is paid within the time specified the goods will be advertised for sale and sold by auction at a specified time and place.

In accordance with the terms of a notice so given, a sale of the goods by auction may be had to satisfy any valid claim of the warehouseman for which he has a lien on the goods. The sale shall be had in the place where the lien was acquired, or, if such place is manifestly unsuitable for the purpose, at the nearest suitable place. After the time for the payment of the claim specified in the notice to the depositor has elapsed, an advertisement of the sale, describing the goods to be sold, and stating the name of the owner or person on whose account the goods are held, and the time and place of the sale, shall be published once a week for two consecutive weeks in a newspaper of general circulation in the county in which such sale is to be held. The sale shall not be held less than fifteen days from the time of the first publication.

From the proceeds of such sale the warehouseman shall satisfy his lien, including the reasonable charges of notice, advertisement, and sale. The balance, if any, of such proceeds shall be held by the warehouseman, and delivered on demand to the person to whom he would have been bound to deliver or justified in delivering the goods.

At any time before the goods are so sold any person claiming a right of property or possession therein may pay the warehouseman the amount necessary to satisfy his lien and to pay the reasonable expenses and liabilities incurred in serving notices and advertising and preparing for the sale up to the time of such payment. The warehouseman shall deliver the goods to the person making such payment if he is a person entitled, under the provisions of this Act, to the possession of the goods on payment of charges thereon. Otherwise the warehouseman shall retain possession of the goods according to the terms of the original contract of deposit. [L. 1951, c. 39, s. 33.]

[Sec. 9404.] Section 34. **Perishable and hazardous goods.** If goods are of a perishable nature, or by keeping will deteriorate greatly in value, or by their odor, leakage, inflammability, or explosive nature, will be liable to injure other property, the warehouseman may give such notice to the owner, or to the person in whose name the goods are stored, as is reasonable and possible under the circumstances, to satisfy the lien upon such goods, and to remove them from the warehouse, and in the event of the failure of such person to satisfy the lien and to remove the goods within the time so specified, the warehouseman may sell the goods at public or private sale without advertising. If the warehouseman after a reasonable effort is unable to sell such goods, he may dispose of them in any lawful manner, and shall incur no liability by reason thereof.

The proceeds of any sale made under the terms of this section shall be disposed of in the same way as the proceeds of sales made under the terms of the preceding section. [L. 1951, c. 39, s. 34.]

[Sec. 9405.] Section 35. **Other methods of enforcing liens.** The remedy for enforcing a lien herein provided does not preclude any other remedies allowed by law for the enforcement of a lien against personal property nor bar the right to recover so much of the warehouseman's claim as shall not be paid by the proceeds of the sale of the property. [L. 1951, c. 39, s. 35.]

[Sec. 9406.] Section 36. **Effect of sale.** After goods have been lawfully sold to satisfy a warehouseman's lien, or have been lawfully sold or disposed of because of their perishable or hazardous nature, the warehouseman shall not thereafter be liable for failure to deliver the goods to the depositor, or owner of the goods, or to a holder of the receipt given for the goods when they were deposited, even if such receipt be negotiable. [L. 1951, c. 39, s. 36.]

[Sec. 9407.] Section 37. **Negotiation of negotiable receipts by delivery.** A negotiable receipt may be negotiated by delivery:

(a) Where, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the bearer, or

(b) Where, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of a specified person, and such person or a subsequent indorsee of the receipt has indorsed it in blank or to bearer.

(c) Where, by the terms of a negotiable receipt, the goods are deliverable to bearer or where a negotiable receipt has been indorsed in blank or to bearer, any holder may indorse the same to himself or to any other specified person, and in such case the receipt shall thereafter be negotiated only by the indorsement of such indorsee. [L. 1951, c. 39, s. 37.]

[Sec. 9408.] Section 38. **Negotiation of negotiable receipts by indorsement.** A negotiable receipt may be negotiated by the indorsement of the person to whose order the goods are, by the terms of the receipt, deliverable. Such indorsement may be in blank, to bearer or to a specified person. If indorsed to a specified person, it may be again negotiated by the indorsement of such person in blank, to bearer or to another specified person. Subsequent negotiation may be made in like manner. [L. 1951, c. 39, s. 38.]

[Sec. 9409.] Section 39. **Transfer of receipts.** A receipt which is not in such form that it can be negotiated by delivery may be transferred by the holder by delivery to a purchaser or donee.

A non-negotiable receipt cannot be negotiated, and the indorsement of such a receipt gives the transferee no additional right. [L. 1951, c. 39, s. 39.]

[Sec. 9410.] Section 40. **Who may negotiate a receipt.** A negotiable receipt may be negotiated by any person in possession of the same, however such possession may have been acquired, if, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of such person or if at the time of negotiation the receipt is in such form that it may be negotiated by delivery. [L. 1951, c. 39, s. 40.]

[Sec. 9411.] Section 41. **Rights of person to whom a receipt has been negotiated.** A person to whom a negotiable receipt has been duly negotiated acquires thereby:

(a) Such title to the goods as the person negotiating the receipt to him had or had ability to convey to a purchaser in good faith for value, and also such title to the goods as the depositor or person to whose order the goods were to be delivered by the terms of the receipt had or had ability to convey to a purchaser in good faith for value, and

(b) The direct obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt as fully as if the warehouseman had contracted directly with him. [L. 1951, c. 39, s. 41.]

[Sec. 9412.] Section 42. **Rights of person to whom a receipt has been transferred.** A person to whom a receipt has been transferred but not negotiated, acquires thereby, as against the transferor, the title of the goods, subject to the terms of any agreement with transferor.

If the receipt is non-negotiable, such person also acquires the right to notify the warehouseman of the transfer to him of such receipt, and thereby to acquire the direct obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt.

Prior to the notification of the warehouseman by the transferor or transferee of a non-negotiable receipt, the title of the transferee to the goods and the right to acquire the obligation of the warehouseman may be defeated by the levy of an attachment or execution upon the goods by a creditor of the transferor, or by a notification to a warehouseman by the transferor or a subsequent purchaser from the transferor of a subsequent sale of the goods by the transferor. [L. 1951, c. 39, s. 42.]

[Sec. 9413.] Section 43. **Transfer of negotiable receipt without indorsement.** Where a negotiable receipt is transferred for value by delivery, and the indorsement of the transferor is essential for negotiation, the transferee acquires a right against the transferor to compel him to indorse the receipt, unless a contrary intention appears. The negotiation shall take effect as of the time when the indorsement is actually made. [L. 1951, c. 39, s. 43.]

[Sec. 9414.] Section 44. **Warranties on sale of receipt.** A person who for value negotiates or transfers a receipt by indorsement or delivery, including one who assigns for value a claim secured by a receipt, unless a contrary intention appears, warrants:

- (a) That the receipt is genuine,
- (b) That he has a legal right to negotiate or transfer it,
- (c) That he has knowledge of no fact which would impair the validity or worth of the receipt, and
- (d) That he has a right to transfer the title to the goods, and that the goods are merchantable or fit for a particular purpose whenever such warranties would have been implied, if the contract of the parties had been to transfer without a receipt the goods represented thereby. [L. 1951, c. 39, s. 44.]

[Sec. 9415.] Section 45. **Indorser not a guarantor.** The indorsement of a receipt shall not make the indorser liable for any failure on the part of the warehouseman or previous indorsers of the receipt to fulfill their respective obligations. [L. 1951, c. 39, s. 45.]

[Sec. 9416.] Section 46. **No warranty implied from accepting payment of a debt.** A mortgagee, pledgee or holder for security of a receipt who in good faith demands or receives payment of the debt for which such receipt is security, whether from a party to a draft drawn for such debt or from any other person, shall not by so doing be deemed to represent or to warrant the genuineness of such receipt or the quantity or quality of the goods therein described. [L. 1951, c. 39, s. 46.]

[Sec. 9417.] Section 47. **When negotiation not impaired by fraud, mistake or duress.** The validity of the negotiation of a re-

ceipt is not impaired by the fact that such negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the receipt was deprived of the possession of the same by loss, theft, fraud, accident, mistake, duress, or conversion, if the person to whom the receipt was negotiated, or the person to whom the receipt was subsequently negotiated, paid value therefor, in good faith, without notice of the breach of duty, or loss, theft, fraud, accident, mistake, duress, or conversion. [L. 1951, c. 39, s. 47.]

[Sec. 9418.] Section 48. **Subsequent negotiation.** Where a person having sold, mortgaged, or pledged goods which are in a warehouse and for which a negotiable receipt has been issued, or having sold, mortgaged, or pledged the negotiable receipt representing such goods, continues in possession of the negotiable receipt, the subsequent negotiation thereof by that person under any sale, or other disposition thereof to any person receiving the same in good faith, for value and without notice of the previous sale, mortgage or pledge, shall have the same effect as if the first purchaser of the goods or receipt had expressly authorized the subsequent negotiation. [L. 1951, c. 39, s. 48.]

[Sec. 9419.] Section 49. **Negotiation defeats vendor's lien.** Where a negotiable receipt has been issued for goods, no seller's lien or right of stoppage in transit shall defeat the rights of any purchaser for value in good faith to whom such receipt has been negotiated, whether such negotiation be prior or subsequent to the notification to the warehouseman who issued such receipt of the seller's claim to a lien or right of stoppage in transit. Nor shall the warehouseman be obliged to deliver or justified in delivering the goods to an unpaid seller unless the receipt is first surrendered for cancellation. [L. 1951, c. 39, s. 49.]

[Sec. 9420.] Section 50. **Issue of receipt for goods not received. [; penalty.]** A warehouseman, or any officer, agent, or servant of a warehouseman, who issues or aids in issuing a receipt knowing that the goods for which such receipt is issued have not been actually received by such warehouseman, or are not under his actual control at the time of issuing such receipt, shall be guilty of a felony, and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding five thousand dollars, or by both. [L. 1951, c. 39, s. 50.]

[Sec. 9421.] Section 51. **Issue of receipt containing false statement. [; penalty.]** A warehouseman, or any officer, agent or servant of a warehouseman, who fraudulently issues or aids in fraudulently issuing a receipt for goods knowing that it contains any false statement, shall be guilty of a misdemeanor, and upon conviction shall

be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both. [L. 1951, c. 39, s. 51.]

[Sec. 9422.] Section 52. **Issue of duplicate receipts not so marked. [; penalty.]** A warehouseman, or any officer, agent, or servant of a warehouseman, who issues or aids in issuing a duplicate or additional negotiable receipt for goods knowing that a former negotiable receipt for the same goods or any part of them is outstanding and uncanceled, without plainly placing upon the face thereof the word "duplicate" except in the case of a lost or destroyed receipt after proceedings as provided for in section 14, shall be guilty of a felony, and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding five thousand dollars, or by both. [L. 1951, c. 39, s. 52.]

[Sec. 9423.] Section 53. **Issue for warehouseman's goods of receipts which do not state that fact. [; penalty.]** Where there are deposited with or held by a warehouseman goods of which he is owner, either solely or jointly or in common with others, such warehouseman, or any of his officers, agents, or servants who, knowing this ownership, issues or aids in issuing a negotiable receipt for such goods which does not state such ownership, shall be guilty of a misdemeanor, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both. [L. 1951, c. 39, s. 53.]

[Sec. 9424.] Section 54. **Delivery of goods without obtaining negotiable receipt. [; penalty.]** A warehouseman, or any officer, agent, or servant of a warehouseman who delivers goods out of the possession of such warehouseman, knowing that a negotiable receipt the negotiation of which would transfer the right to the possession of such goods is outstanding and uncanceled, without obtaining the possession of such receipt at or before the time of such delivery, shall, except in the cases provided for in sections 14 and 36, be found guilty of a misdemeanor, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both. [L. 1951, c. 39, s. 54.]

[Sec. 9425.] Section 55. **Negotiation of receipt for mortgaged goods. [; penalty.]** Any person who deposits goods to which he has not title, or upon which there is a lien or mortgage, and who takes for such goods a negotiable receipt which he afterwards negotiates for value with intent to deceive and without disclosing his want of title or the existence of the lien or mortgage shall be guilty of a misdemeanor, and upon conviction shall be punished for each offense

by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both. [L. 1951, c. 39, s. 55.]

[Sec. 9426.] Section 56. **Cases not provided for in Act.** In any case not provided for in this Act, the rules of law and equity, including the law merchant, and in particular the rules relating to the law of principal and agent and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy, or other invalidating cause, shall govern. [L. 1951, c. 39, s. 56.]

[Sec. 9427.] Section 57. **Interpretation shall give effect to purpose of uniformity.** This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it. [L. 1951, c. 39, s. 57.]

[Sec. 9428.] Section 58. **Definitions.** (1) In this Act, unless the context or subject matter otherwise requires:

“Action” includes counter claim, set-off and suit in equity.

“Delivery” means voluntary transfer of possession from one person to another.

“Fungible goods” means goods of which any unit is, from its nature or by mercantile custom, treated as the equivalent of any other unit.

“Goods” means chattels or merchandise in storage, or which has been or is about to be stored.

“Holder” of a receipt means a person who has both actual possession of such receipt and a right of property therein.

“Order” means an order by indorsement on the receipt.

“Owner” does not include mortgagee or pledgee.

“Person” includes a corporation or partnership or two or more persons having a joint or common interest.

To “purchase” includes to take as mortgagee or as pledgee.

“Purchaser” includes mortgagee and pledgee.

“Receipt” means a warehouse receipt.

“Value” is any consideration sufficient to support a simple contract. An antecedent or pre-existing obligation, whether for money or not, constitutes value where a receipt is taken either in satisfaction thereof or as security therefor.

“Warehouseman” means a person lawfully engaged in the business of storing goods for profit.

(2) A thing is done “in good faith” within the meaning of this Act, when it is in fact done honestly, whether it be done negligently or not. [L. 1951, c. 39, s. 58.]

[Sec. 9429.] Section 59. **Act does not apply to existing receipts.** The provisions of this Act do not apply to receipts made and delivered prior to the taking effect of this Act. [L. 1951, c. 39, s. 59.]

[Sec. 9430.] Section 60. **Inconsistent legislation repealed.** Sections 8780 to 8783, inclusive, of the Revised Laws of Hawaii 1945, and all Acts or parts of Acts inconsistent with this Act, are hereby repealed. [L. 1951, c. 39, s. 60.]

[Sec. 9431.] Section 61. **Name of Act.** This Act may be cited as the Uniform Warehouse Receipts Act. [L. 1951, c. 39, s. 61.]

[Sec. 9432.] Section 62. **Effective date.** This Act shall take effect July 1, 1951. [L. 1951, c. 39, s. 62.]

(Approved May 4, 1951.) H.B. 747, Act 39.

PART D. COURTS.

Title 28: APPEAL AND ERROR.

Chapter 182. APPEALS: BONDS.

Series D-219: ACT 272

An Act to Amend Section 9501 of the Revised Laws of Hawaii 1945, Relating to Appeals to Territorial Circuit Courts.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 9501* of the Revised Laws of Hawaii 1945, is hereby amended by adding the following sentence to the end of the first paragraph thereof, to read as follows:

"Where an appeal is taken for the purpose of mitigating a sentence in a criminal case, the notice of such appeal shall be filed and the payment of costs accrued shall be made within thirty days after the imposition of sentence."

Section 2. This Act shall take effect ten days after its promulgation.

(Approved June 9, 1951.) S.B. 129, Act 272.

*§ 9501, as so amended, reads:

Sec. 9501. From district magistrate; deposits of costs; procedure. Appeals shall be allowed from all decisions of district magistrates in all matters, whether civil or criminal, to the circuit court of the same circuit, whenever the party appealing shall file notice of his appeal and shall pay the costs accrued within ten days and, if it is a civil cause, shall deposit the costs for appeal as provided in chapter 193; provided, however, that if in his notice of appeal he signifies his desire for, and demands, a trial by jury he shall be required to deposit the further costs

as provided in chapter 193. In any civil case appealed without a demand for a jury trial, if any appellee shall desire to have a trial by jury on appeal, he may, within twenty days after the decision appealed from, file his demand to that effect in the circuit court, and shall thereupon deposit the further costs as provided in chapter 193. Where an appeal is taken for the purpose of mitigating a sentence in a criminal case, the notice of such appeal shall be filed and the payment of costs accrued shall be made within thirty days after the imposition of sentence.

After the trial and conclusion of such cause on appeal, whether by verdict of a jury or by the decision of the circuit judge, there shall in such cause be no further trial of the issue of fact (unless a new trial of such cause shall be awarded according to law), but exceptions upon questions of law may be taken to the supreme court; **provided**, that any appeal solely upon points of law from a decision of a district magistrate shall be so stated in the notice of appeal, and such appeal upon points of law may be made either to the circuit court of the same circuit, or to the supreme court, at the option of the party appealing, whenever the party appealing shall file notice of his appeal and shall pay the costs accrued within ten days and, if in a civil cause, shall deposit the costs for appeal as provided in chapter 193, and such appeal shall be heard and determined without the intervention of a jury.

Within a reasonable time after an appeal has been perfected from a decision of a district magistrate, to the circuit court of the same circuit, or to the supreme court, it shall be incumbent upon such district magistrate to make a return thereof, together with all papers and exhibits filed in such case and all excess costs over and above the actual accrued costs earned in the case, which accrued costs shall be turned in by him as a county realization; **provided**, however, all costs deposited in a criminal case shall be held by the clerk of the appellate court subject to the final disposition of the cause.

It shall be the duty of the clerk of the circuit court or supreme court to which an appeal has been made from the decision of any district magistrate, within a reasonable time after the case shall have been disposed of by the court, to transmit to the district magistrate from whose decision the appeal was made, a statement showing the disposition of the case by such court. [L. 1892, c. 57, s. 68; am. L. 1909, c. 23, s. 3; am. L. 1919, c. 57, s. 1; R. L. 1925, s. 2508; am. L. 1925, c. 146, s. 1; R. L. 1935, s. 3500; am. L. 1939, c. 19, ss. 1, 4; R. L. 1945, s. 9501; am. L. 1951, c. 272, s. 1.]

§ 9503. From circuit judge in chambers. Am. L. 1945, Act 194 [D-153].

§ 9508. Amendments, etc. AM. Sp. L. 1949, Act 41 [D-35].

Title 24: COURTS, ETC.

Chapter 188. SUPREME COURT.

§§ 9618.01-.04. Rules, criminal procedure. NEW, L. 1949, Act 380 [D-244].

Chapter 189. CIRCUIT COURTS.

Series D-220: ACT 26

An Act to Amend Section 9633 of the Revised Laws of Hawaii 1945, as Amended, Relating to the Number of First Circuit Court Judges by Providing for an Additional Judge of Said Court, and Making an Appropriation.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 9633 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by changing the first paragraph thereof to read as follows:

"Sec. 9633. First circuit court judges. The circuit court of the first circuit shall consist of not more than seven judges, who shall be styled as first, second, third, fourth, fifth, sixth and seventh judges. The judge of the circuit court styled sixth judge shall be judge of the juvenile court."

Section 2. Until funds for the salary of the seventh judge are appropriated by the Congress of the United States, the salary of such judge shall be paid by the Territory at the rate now or hereafter provided for the judges of the circuit court, first circuit, and sufficient funds to pay said salary are hereby appropriated from the general fund of the Territory not otherwise appropriated.

Section 3. This Act shall take effect upon its approval.

(Approved May 4, 1951.) S.B. 517, Act 26.

§ 9633. AM. L. 1945, Act 142 [D-154].

§ 9640. Term, etc. AM. L. 1947, Act 134 [D-153].

§ 9642. When judge may be required to preside in another circuit. AM. L. 1949, Act 37 [C-245].

§ 9644. Adjournment, etc. AM. L. 1947, Act 220 [D-154].

§ 9655. First circuit, juvenile. AM. L. 1945, Act 142 [D-154].

§ 9656. Probation officers. Am. L. 1945, Act 142 [D-154], rewritten p. 261.

§§ 9656.01-.02. Probation officers to inspect night clubs. NEW, L. 1949, Act 159 [D-246].

§ 9658. Rent appeals. Am. L. 1945, Act 178 [D-155], rewritten p. 264.

Chapter 190. DISTRICT COURTS.

§ 9671. District magistrates. AM. L. 1945, Act 80 [D-156]; AM. L. 1947, Act 173 [D-155].

§ 9673. Disqualification, absence, vacancy; temporary district magistrate. AM. L. 1949, Act 228 [D-247].

§ 9674.01. Ejectment proceedings. NEW, L. 1949, Act 315 [D-248].

Series D-221: ACT 278

An Act Relating to Judgments of District Magistrates; Amending Section 9675 of the Revised Laws of Hawaii 1945.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The first paragraph of section 9675* of the Revised Laws of Hawaii 1945, is hereby amended by changing the period at the end thereof to a semi-colon and adding thereto the following:

“in a criminal case, to alter, set aside or suspend a sentence by way of mitigation or otherwise upon motion or plea of a defendant made within thirty days after imposition of such sentence.”

Section 2. This Act shall take effect ten days after promulgation.

(Approved June 9, 1951.) S.B. 192, Act 278.

* § 9675, as so amended, reads:

Sec. 9675. Powers; witness fees. The district magistrates shall have power to administer oaths, to perpetuate testimony under commissions issued to them from other courts, and to issue commissions for the perpetuation of testimony to be used in controversies pending before them, to grant continuances of proceedings before them, to subpoena and compel the attendance of witnesses within the circuit in which their respective districts are situated; to render final judgments, to alter any judgment within ten days following the date of its rendition for good cause shown by any party and after notice given to the opposite party, to enforce judgment and to punish contempts according to law; and to issue garnishee summons which shall be operative as to the garnishee throughout the judicial circuit in which the district court issuing the same is situated; in a criminal case, to alter, set aside or suspend a sentence by way of mitigation or otherwise upon motion or plea of a defendant made within thirty days after imposition of such sentence.

Witnesses duly subpoenaed from a district other than the district of the magistrate issuing the subpoena shall be allowed the same attendance and mileage fees allowed witnesses subpoenaed before the circuit courts.

Any document requiring the signature of a district magistrate, in any cause or proceeding whatsoever in a district court, may be signed without,

as well as within, the boundaries of the district in which such court is situated, excepting, however, without the Territory. [L. 1892, c. 57, s. 12; R. L. 1925, s. 2275; am. L. 1925, c. 145, s. 1; R. L. 1935, s. 3764; am. L. 1935, cc. 23, 110, s. 1; am. L. 1937, c. 19, s. 1; R. L. 1945, s. 9675; am. L. 1945, c. 80, s. 2; am. L. 1951, c. 278, s. 1.]

§ 9677. Same, powers. Am. L. 1947, Act 231 [D-156], rewritten p. 371.

Chapter 191. ATTORNEYS.

§ 9701. Qualifications. AM. L. 1945, Act 226 [D-157]; AM. Sp. L. 1949, Act 67 [D-36].

§ 9713. Not to practice without license. Am. Sp. L. 1949, Act 38 [D-37].

Chapter 192. CLERKS, ETC.

Series D-222: ACT 192

An Act Amending Section 9722 of the Revised Laws of Hawaii 1945, as Amended, Relating to the Appointment and Compensation of Temporary Clerks of Court.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 9722 of the Revised Laws of Hawaii 1945, as amended by Act 33 of the Session Laws of Hawaii 1949, is hereby amended further to read as follows:

"Sec. 9722. Temporary assistants. In case of the temporary absence or disability of any clerk, or when the business of any court demands, an assistant clerk may be appointed in the manner provided in section 9721 for such temporary duty as may be required for a period not to exceed three months at the salary classified for such position by the civil service commission or at such lesser salary as shall be fixed by the said court. The salary of such assistant may be paid out of any appropriation available for the expenses of the court." [L. 1892, c. 57, s. 67; am. L. 1911, c. 84, s. 2; R. L. 1925, s. 2292; am. L. 1929, c. 14, s. 1; R. L. 1935, s. 3691; R. L. 1945, s. 9722; am. L. 1949, c. 33, s. 1; am. L. 1951, c. 192, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 28, 1951.) S.B. 343, Act 192.

§ 9724.01. Free copies of certain decrees to veterans. NEW, L. 1949, Act 44 [D-250].

§ 9728. Interpreters, etc. Am. L. 1945, Act 80 [D-156]; am. L. 1947, Act 26 [D-157], rewritten p. 372.

§ 9729. Rep. L. 1947, Act 26 [D-157].

§ 9733. Salary and perquisites of reporters. Am. L. 1949, Act 361 [D-251].

§ 9734. Bailiffs, etc. AM. L. 1945, Act 249 [D-158].

Chapter 193. COSTS AND FEES.

§ 9742. To be accounted for. AM. L. 1945, Act 57 [D-159].

§ 9744. Schedule. Am. L. 1945, Act 55 [D-160]; am. L. 1949, Act 387 [D-252].

§ 9745. Costs, circuit courts and circuit judges in chambers. Am. L. 1945, Act 94 [D-161].

§ 9748. High sheriff's or serving or levying officer's fees. Am. L. 1949, Act 387 [D-252], rewritten pp. 575-6.

Series D-223: ACT 170

An Act to Amend Section 9757 of the Revised Laws of Hawaii 1945, as Amended, Relating to Fees and Expenses of Executors, Administrators, Trustees and Guardians.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 9757 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended in the following respects:

(a) By amending the first paragraph thereof so that the same shall read as follows:

"Sec. 9757.* Fees and expenses of executors, administrators, trustees and guardians. Upon all moneys and other property received in the nature of revenue or income of the estate, such as rents, interest, dividends and general profits, executors, administrators, trustees and guardians, except trustees of a charitable trust, shall be allowed as commissions payable out of the income received during each year, seven per centum for the first five thousand dollars, and five per centum for all over five thousand dollars, such commissions to be payable as and when such income is received, but not oftener than once a year."

(b) By amending the second paragraph thereof so that the same shall read as follows:

"Upon the principal of the estate, executors and administrators shall be allowed as commissions payable out of the principal at the close of administration, five per centum

for the first thousand dollars, four per centum for the next nine thousand dollars, three per centum for the next ten thousand dollars, and two per centum for all over twenty thousand dollars, the amount of such principal for this purpose to be the appraised value of the estate as of the death of the decedent; **provided**, however, that for the purpose of computing such commissions on such principal there shall be deducted from the appraised value of any real property included in the estate the amount of any existing indebtedness secured by lien upon such real property duly recorded prior to the death of the decedent and which shall have been foreclosed and the real property covered by the same sold at any time during the administration of the estate; and in case the estate includes real property subject to an agreement of sale duly recorded prior to the death of the decedent such commissions shall be calculated on the appraised value of the balance due from the vendee on account of the purchase price thereof."

(c) By inserting a comma in the third paragraph thereof immediately after the words "trustees and guardians", in the first sentence thereof, and inserting after such comma the following: "except trustees of a charitable trust,".

(d) By deleting the period at the end of the first sentence of the third paragraph thereof and inserting in lieu thereof a comma, followed by the following:

"and in addition thereto one-tenth of one per centum on the value at the expiration of each year during the continuance of the trust payable annually out of the principal; **provided**, that said one-tenth of one per centum on the principal shall not apply to trust estates created under a trust document which authorizes the trustees to employ others to perform bookkeeping and clerical services at the expense of the estate, unless first approved by the court."

Section 2. This Act shall take effect upon its approval, and shall apply as well to future accounting in existing estates as to new estates; **provided**, that the commissions of executors and administrators to whom letters shall have been issued prior to the effective date of this Act shall be determined in accordance with the law as the same existed prior to the enactment hereof; and **provided**, further, that the amendment by this Act of the third paragraph of said section 9757 of the Revised Laws of Hawaii 1945, as amended, shall take effect December 31, 1951, and until said date the commissions of trustees and guardians shall be determined in accordance with the law as the same existed prior to the enactment hereof.

(Approved May 26, 1951.) H.B. 898, Act 170.

§ 9757. Special fees, fiduciary. Am. L. 1947, Act 100 [D-158], rewritten pp. 373-5.

* § 9757, as so amended, reads:

Sec. 9757. Fees and expenses of executors, administrators, trustees and guardians. Upon all moneys and other property received in the nature of revenue or income of the estate, such as rents, interest, dividends and general profits, executors, administrators, trustees and guardians, except trustees of a charitable trust, shall be allowed as commissions payable out of the income received during each year, seven per centum for the first five thousand dollars, and five per centum for all over five thousand dollars such commissions to be payable as and when such income is received, but not oftener than once a year.

Upon the principal of the estate, executors and administrators shall be allowed as commissions payable out of the principal at the close of administration, five per centum for the first thousand dollars, four per centum for the next nine thousand dollars, three per centum for the next ten thousand dollars, and two per centum for all over twenty thousand dollars, the amount of such principal for this purpose to be the appraised value of the estate as of the death of the decedent; **provided**, however, that for the purpose of computing such commissions on such principal there shall be deducted from the appraised value of any real property included in the estate the amount of any existing indebtedness secured by lien upon such real property duly recorded prior to the death of the decedent and which shall have been foreclosed and the real property covered by the same sold at any time during the administration of the estate; and in case the estate includes real property subject to an agreement of sale duly recorded prior to the death of the decedent such commissions shall be calculated on the appraised value of the balance due from the vendee on account of the purchase price thereof.

Upon the principal of the estate, trustees and guardians, except trustees of a charitable trust, shall be allowed as commissions, one per centum on the value at the inception of the trust payable at such inception out of the principal, one per centum on the value of all or any part of the estate upon final distribution thereof payable at such termination out of the principal, and two and one-half per centum upon all cash principal received after the inception of the trust and neither being nor representing principal upon which the two and one-half per centum has previously at any time been charged, payable at such receipt out of the principal, and two and one-half per centum upon the final payment of any cash principal prior to the termination of the trust, payable at the final payment out of the principal, and in addition thereto one-tenth of one per centum on the value at the expiration of each year during the continuance of the trust payable annually out of the principal; **provided**, that said one-tenth of one per centum on the principal shall not apply to trust estates created under a trust document which authorizes the trustees to employ others to perform bookkeeping and clerical services at the expense of the estate, unless first approved by the court. For the purposes of this paragraph, the value of the estate shall be determined in such manner as the court may approve.

Such further allowances may be made as the court shall deem just and reasonable for services performed in connection with sales or leases of

real estate, contested or litigated claims against the estate, the adjustment and payment of extensive or complicated estate or inheritance taxes, the preparation of estate and income tax returns, the carrying on of the decedent's business pursuant to an order of court or under the provisions of any will, litigation in regard to the property of the estate and such other special services as may be necessary for the executor, administrator, trustee or guardian to perform, prosecute or defend. All contracts between an executor, administrator, trustee or guardian and an heir, devisee, legatee, ward, or a beneficiary other than the creator of the trust, for higher compensation than is allowed in this section shall be void.

These provisions shall apply as well to future accounting in existing estates as to new estates. [Part of R. L. 1935, s. 3793; am. L. 1935, c. 124, s. 1; am. L. 1943, c. 88, s. 1 and c. 149, s. 1; R. L. 1945, s. 9757; am. L. 1947, c. 100, s. 1; am. L. 1951, c. 170, s. 1.]

Series D-224: ACT 167

An Act Relating to Attorneys' Fees in Probate Proceedings.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 193 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto a new section to be numbered and to read as follows:

"Sec. 9757.01. Attorneys' fees for ordinary proceedings; extraordinary services. Attorneys for executors and administrators, shall be allowed out of the estate, as fees for conducting the ordinary probate proceedings, the same amounts as are allowed by section 9757 as commissions upon the principal of the estate to executors and administrators, and such further amounts as the court may deem just and reasonable for extraordinary services." [L. 1951, c. 167, s. 1.]

Section 2. This Act shall take effect upon its approval, and shall apply to all pending probate proceedings.

(Approved May 26, 1951.) H.B. 763, Act 167.

§ 9761. Appraisers' fees. Am. L. 1945, Act 37 [A-108].

Chapter 194. EXPENSES AND SALARIES.

§ 9771. **Personnel and Expenses.** AM. L. 1945, Act 35 [D-162]; Act 142 [D-154].

§ 9771.01. **Transition provisions.** NEW, L. 1945, Act 35 [D-162].

§ 9772-76. Rep. L. 1945, Act 35 [D-162].

Series D-225: ACT 282

An Act Relating to the Salaries of District Magistrates in the County of Hawaii, and Amending Section 9779, as Amended, of the Revised Laws of Hawaii 1945.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 9779**, as amended, of the Revised Laws of Hawaii 1945, is hereby further amended by deleting therefrom the item reading:

"District magistrate, South Hilo, North Hilo, and Puna	500.00 6,000.00"
---	------------------

and the item reading:

"District magistrate, North and South Kona	225.00 2,700.00"
---	------------------

and substituting therefor the following:

"District magistrate, South Hilo, North Hilo, and Puna	550.00 6,600.00
District magistrate, North and South Kona	275.00 3,300.00".

Section 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved June 9, 1951.) S.B. 346, Act 282.

§ 9779. **Hawaii.** AM. L. 1947, Act 171 [D-159].

§ 9781. **Maui.** Am. L. 1947, Act 26 [D-157].

§§ 9782-3. Rep. L. 1949, Act 228 [D-247].

Chapter 195. JURORS.

Series D-226: ACT 91

An Act to Remove the Discrimination Against Women in the Matter of Jury Service in the Territory of Hawaii.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 9791 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by deleting the word "male" in the third line of said section.

Section 2. Any other law relating to jurors in the Territory is hereby amended so as to remove any discrimination against women and shall be construed to apply without regard to sex.

Section 3. This Act shall take effect as of the opening day of the term of the circuit courts of the several circuits of the Territory of Hawaii, after the enactment of an appropriate amendment to the Hawaiian Organic Act by the Congress of the United States.

(Approved May 18, 1951.) S.B. 90, Act 91.

§ 9791. Qualifications. Am. L. 1945, Act 163 [D-165], rewritten p. 274.

§ 9797. Pay. AM. L. 1945, Act 62 [D-163].

§ 9798. Certificate. AM. L. 1945, Act 62 [D-163].

§ 9799. Commission; qualifications and commissioners. AM. L. 1949, Act 75 [D-253].

§ 9800. Jury list. Am. L. 1945, Act 149 [D-164].

§ 9800.01. Restrictions. NEW, L. 1945, Act 163 [D-165].

Series D-227: ACT 35

An Act Amending Chapter 195 of the Revised Laws of Hawaii 1945, and Authorizing Jury Commissioners to Issue Questionnaires to Prospective Jurors and Grand Jurors, and Defining as Contempt any Failure or Refusal to Complete and Return Questionnaire.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 195 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto a new section to be numbered section 9801.01 and to read as follows:

"Sec. 9801.01. Commission; authority to distribute questionnaires; failure to complete and return questionnaire designated as contempt. The commission may in its discretion, for the purpose of compiling the lists of citizens as required by section 9800, distribute questionnaires to prospective jurors and grand jurors.

Persons receiving such questionnaires from the commission shall complete and sign the same, and return them to the commission within ten days after receipt of same.

Upon failure or refusal of any person duly receiving such questionnaire to complete and return the same as required hereby, the court shall have summary power to punish such person as and for contempt." [L. 1951, c. 35, s. 1.]

Section 2. This Act shall take effect upon its approval, but shall apply to the selection and listing of jurors and grand jurors for any term of court subsequent to such approval.

(Approved May 4, 1951.) H.B. 268, Act 35.

Title 25: EVIDENCE.

Chapter 196. EVIDENCE AND WITNESSES, GENERALLY.

§ 9827. Fees. AM. L. 1945, Act 38 [D-166].

§ 9847.02. Adverse party. NEW, L. 1945, Act 183 [D-167].

Chapter 197. DEPOSITIONS: PERPETUATION OF TESTIMONY.

DEPOSITIONS, TO BE USED IN FOREIGN JURISDICTION.

Series D-228: ACT 199

An Act Relating to the Taking of Depositions in This Territory to Be Used in Any Foreign Jurisdiction.

Be it Enacted by the Legislature of the Territory of Hawaii:

[Sec. 9869.01.] Section 1. In what cases depositions may be taken. A party to an action, suit or special proceeding, civil or criminal, pending in a court without the Territory, either in the United States or in a foreign country, may obtain, by the special proceeding prescribed in the two sections next succeeding, the testimony of a witness, and, in connection therewith, the production of books and papers, within the Territory, to be used in the action, suit or special proceeding. [L. 1951, c. 199, s. 1.]

[Sec. 9869.02.] **Section 2. Subpoena to witness.** Where a commission to take testimony, within the Territory, has been issued from the court in which the action, suit or special proceeding is pending; or where a notice has been given, or any other proceeding has been taken for the purpose of taking testimony within the Territory, pursuant to the laws of the state or country wherein the court is located, or pursuant to the laws of the United States if it is a court of the United States, the circuit court, or any judge thereof, in a proper case, on the presentation of a verified petition shall order the issuance of a subpoena to any witness, commanding him to appear before the commissioner named in the commission; or before the officer designated in the commission, notice or other paper, by his title of office; at a time and place specified in the subpoena, to testify, in the action, suit or special proceeding. If any witness shall fail to obey the subpoena, or refuse to testify, or to produce a book or paper pursuant to a subpoena, or to subscribe his deposition, the court or judge issuing the subpoena, if it is determined that a contempt has been committed, shall prescribe the punishment as in the case of a recalcitrant witness in a court of record in the Territory, and shall make such additional or other orders as would be proper in the same manner as though the action, suit or special proceeding were pending in the Territory. [L. 1951, c. 199, s. 2.]

[Sec. 9869.03.] **Section 3. Taking and return of deposition.** The officer or commissioner before whom a witness appears, in a case specified in this Act, shall take down his testimony, in writing, and shall annex thereto copies of all books and papers produced or such parts thereof as shall be required, and shall certify and transmit it to the court in which the action, suit or special proceeding is pending, as the practice of that court requires. [L. 1951, c. 199, s. 3.]

Section 4. This Act shall take effect upon its approval.

(Approved May 28, 1951.) S.B. 448, Act 199.

Chapter 198. DOCUMENTARY EVIDENCE.

§ 9883. Facsimile copies. AM. L. 1945, Act 17 [D-168].

Series D-229: ACT 104

An Act to Provide for the Admission in Evidence of Photographic Reproductions of Business and Public Records and to Make Uniform the Law With Reference Thereto.

Be it Enacted by the Legislature of the Territory of Hawaii:

[**Sec. 9883.01.**] Section 1. [**Photographic reproductions of business and public records.**] If any business, institution, member of a profession or calling, or any department or agency of government, in the regular course of business or activity has kept or recorded any memorandum, writing, entry, print, representation or combination thereof, of any act, transaction, occurrence or event, and in the regular course of business has caused any or all of the same to be recorded, copied or reproduced by any photographic, photostatic, microfilm, micro-card, miniature photographic, or other process which accurately reproduces or forms a durable medium for so reproducing the original, the original may be destroyed in the regular course of business unless held in a custodial or fiduciary capacity or unless its preservation is required by law. Such reproduction, when satisfactorily identified, is as admissible in evidence as the original itself in any judicial or administrative proceeding whether the original is in existence or not and an enlargement or facsimile of such reproduction is likewise admissible in evidence if the original reproduction is in existence and available for inspection under direction of court. The introduction of a reproduced record, enlargement or facsimile, does not preclude admission of the original. [L. 1951, c. 104, s. 1.]

[**Sec. 9883.02.**] Section 2. [**Interpretation.**] This Act shall be so interpreted and construed as to effectuate its general purpose of making uniform the law of those states and territories which enact it. [L. 1951, c. 104, s. 2.]

[**Sec. 9883.03.**] Section 3. [**Title of law.**] This Act may be cited as the Uniform Photographic Copies of Business and Public Records as Evidence Act. [L. 1951, c. 104, s. 3.]

[**Sec. 9883.04.**] Section 4. [**Repeal of other laws.**] All Acts or parts of Acts which are inconsistent with the provisions of this Act are hereby repealed, **provided** that nothing herein shall mod-

ify or otherwise affect the provisions of section 9883, Revised Laws of Hawaii 1945, as amended. [L. 1951, c. 104, s. 4.]

Section 5. This Act shall take effect upon approval.

(Approved May 18, 1951.) H.B. 1011, Act 104.

§ 9886. Ordinances, etc. Am. L. 1945, Act 195 [D-169].

§ 9890. Archives, fees. AM. L. 1945, Act 109 [D-170].

§§ 9897.01-.03. Death of missing persons. NEW, L. 1945, Act 148 [D-171].

Title 26: PLEADINGS AND PROCEDURE.

Chapter 202. DECLARATORY JUDGMENTS.

§ 9971. Jurisdiction; controversies subject to. Am. L. 1945, Act 74 [D-172].

Chapter 203. CIVIL ACTIONS, DISTRICT COURTS.

§ 10013. Confession of judgment with or without suit. Am. L. 1949, Act 259 [D-254].

Chapter 204. CIVIL ACTIONS, GENERALLY.

§§ 10067.01-.03. Services of judicial process. NEW, Sp. L. 1949, Act 4 [D-38].

Chapter 206. JUDGMENT, NEW TRIAL.

§ 10133. District court judgment. Am. L. 1947, Act 158 [D-160].

§ 10134. Circuit court judgment. Am. L. 1947, Act 158 [D-160].

Title 27: CIVIL REMEDIES AND DEFENSES.

Chapter 207. ATTACHMENT AND EXECUTION.

§ 10144. Bond. Am. L. 1947, Act 190 [D-161], rewritten pp. 377-8.

§ 10163.01. Bond on execution. NEW, L. 1945, Act 132 [D-173].

Chapter 210. ESCHEAT.

§ 10246. In the custody of court clerks. Am. L. 1949, Act 396 [D-255].

§ 10251. Unclaimed dividends. NEW, L. 1947, Act 127 [D-162].

CIVIL PROCEDURE

Chapter 216. LANDLORD AND TENANT.

- § 10402. Tenancy from month to month, etc. AM. L. 1949, Act 39 [D-256].
 - § 10404.01. Acceptance of rent during litigation. NEW, L. 1945, Act 251 [D-174].
 - § 10406. Joinder of causes of action. AM. L. 1945, Act 216 [D-175].
 - § 10414.01. Frivolous appeals. NEW, L. 1945, Act 192 [D-176].
-

Chapter 217. LIMITATION OF ACTIONS.

- § 10429.01. Recoveries authorized by federal statute. NEW, L. 1945, Act 174 [D-177].
 - § 10429.02. All other personal actions. NEW, L. 1945, Act 210 [D-178].
 - § 10433.01. Death no interruption. NEW, L. 1945, Act 210 [D-178].
-

Chapter 218. QUIETING TITLE AT LAW.

- § 10451. Object of action. AM. Sp. L. 1949, Act 46 [D-39].
 - § 10452. Defendants. AM. Sp. L. 1949, Act 46 [D-39].
 - § 10456. Recording of judgment or decree. NEW, Sp. L. 1949, Act 46 [D-39].
-

Chapter 219. CLAIM AND DEMAND.

- § 10461. Delivery of personal property, when it may be claimed. AM. Sp. L. 1949, Act 6 [D-40].
 - § 10462. Affidavit and its requisites. AM. Sp. L. 1949, Act 6 [D-40].
 - § 10464. Bond by plaintiff; seizure; service of certain papers. AM. Sp. L. 1949, Act 6 [D-40].
 - § 10466. Objections to sureties. AM. Sp. L. 1949, Act 6 [D-40].
 - § 10468. Manner of justifying. AM. Sp. L. 1949, Act 6 [D-40].
 - § 10471. Bond for delivery to defendant; justification of sureties. AM. Sp. L. 1949, Act 6 [D-40].
 - §§ 10473-74. Claim and demand. NEW, Sp. L. 1949, Act 6 [D-40].
 - §§ 10474.01-.10. Special proceedings for recovery of personal property. NEW, Sp. L. 1949, Act 7 [D-41].
-

Chapter 220. TERRITORY, SUITS BY AND AGAINST.

- § 10482. Interest. AM. L. 1951, Act 224 [A-41], ante.
-

Title 28: CRIMINAL LAW.

Chapter 229. STATUTE OF LIMITATIONS.

- § 10691. Two years; exceptions. AM. L. 1947, Act 189 [D-163].

CRIMINAL PROCEDURE

Title 29: CRIMINAL PROCEDURE.

Chapter 231. BAIL, BOND TO KEEP THE PEACE.

§ 10732. Unclaimed bail money. AM. L. 1949, Act 323 [D-257].

Chapter 232. CRIMINAL PROCEDURE: DISTRICT COURTS.

§ 10770.01. Copy of complaint. NEW, L. 1949, Act 43 [D-258].

§ 10773.01. Arraignment. NEW, L. 1949, Act 43 [D-258].

§ 10782. Unclaimed articles used as evidence, disposition of. AM. L. 1949, Act 182 [D-259].

Chapter 233. CRIMINAL PROCEDURE: CIRCUIT COURTS.

§ 10842. Indeterminate sentences; maximum. AM. L. 1947, Act 199 [D-164], rewritten pp. 380-1.

§ 10847.01. Fines, felony cases. NEW, L. 1945, Act 67 [D-179].

Chapter 234. FINES AND COSTS.

§§ 10876-77. Rep. L. 1945, Act 111 [D-180].

§ 10878. Circuit court fines, costs, etc., disposition. AM. L. 1945, Act 111 [D-180].

Chapter 235. INQUESTS, CORONERS.

§ 10903. Duties. AM. L. 1949, Act 355 [D-260].

§ 10908.01. Fees. NEW, L. 1947, Act 164 [D-165].

§ 10911. Removal of corpse. AM. L. 1949, Act 355 [D-260].

§ 10912. Disposition of personal effects. AM. L. 1949, Act 355 [D-260].

§ 10913. Autopsies and further investigations. AM. L. 1949, Act 355 [D-260].

§§ 10915-18. Decomposed remains; hospital records; laboratory aids; notice to whom. NEW, L. 1949, Act 355 [D-260].

Chapter 239. ASSAULTS, ASSAULT AND BATTERY AND AFFRAY.

§§ 11050-57. Assaults, affrays, aggravated offenses, dangerous substances. AM. L. 1949, Act 325 [D-261]. Ch. 239 rewritten.

§§ 11058-63. Rep. L. 1949, Act 325 [D-261].

Chapter 240. BRIBERY, INTIMIDATION.

§§ 11075.01-.04. Bribes forfeit. NEW, L. 1947, Act 188 [D-166].

§ 11076. Bribery of participants in professional or amateur games, sports and contests. NEW, L. 1947, Act 186 [D-167].

Chapter 242. COMMON NUISANCE.

§ 11110. Places of prostitution, assignation or lewdness; nuisances; penalty. AM. L. 1949, Act 31 [D-262].

§§ 11110.01-.11. Abatement of nuisances re prostitution. NEW, L. 1949, Act 40 [D-263].

Chapter 243. CONSPIRACY.

§ 11120. Conspiracy defined. AM. Sp. L. 1949, Act 10 [D-42].

§ 11127. Rep. Sp. L. 1949, Act 10 [D-42].

§§ 11127.01. Witnesses' privileges. NEW, Sp. L. 1949, Act 10 [D-42].

§ 11128. First degree. AM. Sp. L. 1949, Act 10 [D-42].

§ 11129. Second degree. AM. Sp. L. 1949, Act 10 [D-42].

§ 11130. Rep. Sp. L. 1949, Act 10 [D-42].

Chapter 253 A. DRUGS, HABIT-FORMING.

Series D-230: ACT 145

An Act Defining the Crime of Providing
Minors With Habit-Forming Drugs and Setting Forth
the Penalty Therefor.

Be it Enacted by the Legislature of the Territory of Hawaii:

[Sec. 11225.] Section 1. [Drugs, habit-forming, to minors; penalty.] Any person selling or giving any habit-forming drug or marijuana to any person under the age of eighteen years, or inducing any person under the age of eighteen years to buy, receive, take, inject, or smoke any habit-forming drug or marijuana, except as permitted by chapter 49 of the Revised Laws of Hawaii 1945, as amended, shall, upon conviction therefor, be punished by imprisonment at hard labor for not more than twenty years. [L. 1951, c. 145, s. 1.]

[Sec. 11226.] Section 2. [Definition.] For the purposes of this Act, "habit-forming drug" shall have the meaning set forth in section 2601 of the Revised Laws of Hawaii 1945, as amended by Act 9 (Series A-84) of the Session Laws of Hawaii 1949. [L. 1951, c. 145, s. 2.]

Section 3. This Act shall take effect upon its approval.

(Approved May 23, 1951.) H.B. 528, Act 145.

Chapter 255. EMBEZZLEMENT.

§ 11240.01. By partner or co-owner. NEW, L. 1945, Act 63 [D-181].

Chapter 256. ESCAPE, ETC.

§ 11262. Interference with fish and game wardens. NEW, L. 1947, Act 30 [D-168].

Chapter 258. FALSE PERSONATION.

§ 11286. False report of crime. NEW, L. 1945, Act 49 [D-182].

Chapter 260. FRAUDULENT COMMERCIAL PAPER.

Series D-231: ACT 303

An Act Relating to Fraudulent Commercial Paper and Amending Section 11322 of the Revised Laws of Hawaii 1945.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 11322 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 11322. Insufficient funds or credit; prima facie evidence of intent to defraud. In any prosecution under this chapter as against the maker or drawer of any such check or draft, the making, drawing, uttering or delivering of a check or draft, payment of which is refused by the drawee for the reason that the maker or drawer has not sufficient funds in or credit with said drawee to pay the same in full, shall be prima facie evidence of intent to defraud and of knowledge of insufficient funds in, or credit with, such bank, national banking association or other depository, **provided**, such maker or drawer shall not have paid the drawee thereof the amount due thereon, together with all costs and protest fees, within five days after the making, drawing, uttering, or delivery of the check or draft." [L. 1919, c. 154, s. 1; R. L. 1925, s. 4274; R. L. 1935, s. 5922; am. L. 1941, c. 241, s. 3; R. L. 1945, s. 11322; am. L. 1951, c. 303, s. 1.]

Section 2. This Act shall take effect upon its approval; **provided**, that this Act shall not affect the liability of any person to prosecution and punishment for any criminal offense commit-

ted prior to said effective date and all such offenses may be prosecuted and punished the same as if this Act had not been enacted.

(Approved June 12, 1951.) H.B. 342, Act 303.

Chapter 263. GROSS CHEAT.

§ 11377.01. Scalpers' sales of amusement tickets; penalty. NEW, L. 1945, Act 39 [D-183].

Chapter 267. LARCENY.

§ 11440. False pretenses; punishable as larceny. NEW, L. 1949, Act 78 [D-264].

Series D-232: ACT 316

An Act Defining the Crime of Larceny From
the Person and Providing the Penalty Therefor.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. There is hereby enacted a new section of the Revised Laws of Hawaii 1945 to be numbered and to read as follows:

"Sec. 11441. Larceny from the person; penalty. Whoever shall feloniously take anything of any marketable, saleable, assignable or available value, belonging to or being the property of another, from the person of another whereby the party subjected to the offense receives any corporal injury but has not been put in fear or subjected to force sufficient to constitute the crime of robbery, shall be guilty of the crime of larceny from the person, and upon conviction therefor shall be punished by imprisonment at hard labor for not more than two years, or by fine not exceeding two thousand dollars, or both." [L. 1951, c. 316, s. 1.]

Section 2. This Act shall take effect upon its approval; **provided**, that this Act shall not affect the liability of any person to prosecution and punishment for any criminal offense committed prior to said effective date and all such offenses may be prosecuted and punished the same as if this Act had not been enacted.

(Approved June 13, 1951.) H.B. 342, Act 316.

Chapter 268. LIBEL AND SLANDER.

§ 11459.01. No defamation by radio, etc., when. NEW, L. 1949, Act 278 [D-265].

Chapter 269. MALICIOUS CONVERSION.

§ 11470. Defined; penalty. AM. L. 1949, Act 217 [D-266].

Chapter 270 A. OBSTRUCTION OF INGRESS OR EGRESS.

§§ 11495-96. Obstruction of ingress or egress. NEW, Sp. L. 1949, Act 9 [D-43].

Chapter 273. PICKETING AND PROTECTION OF LABOR.

§§ 11520-22. Rep. L. 1945, Act 12 [D-184].

§§ 11523-25. Rep. L. 1947, Act 143 [D-169].

Chapter 273 A. PICKETING OF RESIDENCE OR DWELLING.

§§ 11526-28. Picketing of dwelling or residence. NEW, Sp. L. 1949, Act 8 [D-44].

Chapter 276 A. RESTRAINT BY FORCE OR THREATS.

§ 11560.01-.02. Illegal restraint by violence. NEW, L. 1949, Act 73 [D-267].

Chapter 277. RIOTS AND DISPERSION THEREOF.

§ 11570. Rep. L. 1949, Act 62 [D-268].

§ 11571. Riot defined. AM. L. 1949, Act 62 [D-268].

§§ 11572-78. Rep. L. 1949, Act 62 [D-268].

§ 11579. Penalty for riot. AM. L. 1949, Act 62 [D-268].

§ 11580. Rep. L. 1949, Act 62 [D-268].

§ 11581. Remaining present at place of riot after order to disperse. AM. L. 1949, Act 62 [D-268].

§§ 11582-84. Rep. L. 1949, Act 62 [D-268].

Chapter 279. SABBATH VIOLATIONS.

§§ 11610-15. Rep. L. 1949, Act 95 [D-269].

Chapter 280. SABOTAGE.

§ 11633. Rep. L. 1949, Act 215 [D-270].

Chapter 281. SECRET ASSOCIATIONS.

§§ 11641-47. Rep. L. 1949, Act 310 [D-271].

Chapter 282. SEX OFFENSES.

§ 11673. Lascivious conduct, etc.; penalty. AM. L. 1949, Act 26 [D-272].

§ 11673.01. Prostitution, etc.; definitions; penalty. NEW, L. 1949, Act 26 [D-272].

Series D-233: ACT 188

An Act to Amend Chapter 282 of the Revised Laws of Hawaii 1945, as Amended, Relating to Sex Offenses.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 11674 of the Revised Laws of Hawaii 1945, as amended by section 3 of Act 26 of the Session Laws of Hawaii 1949, is hereby further amended in the following respects:

By inserting between the comma following the word "year" in line twenty-three (23) and the word "and", the words "or by both such imprisonment and fine,".

Section 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 28, 1951.) S.B. 260, Act 188.

§ 11674. Soliciting; penalty. AM. L. 1949, Act 26 [D-272].

§ 11676. Procurers, pimps, defined; penalty. AM. L. 1949, Act 26 [D-272].

§ 11677.01. Accessories. NEW, L. 1949, Act 26 [D-272].

§ 11683.01. Validity. NEW, L. 1949, Act 26 [D-272].

Chapter 283. TRAFFIC VIOLATIONS.

§ 11689. Rep. L. 1949, Act 11 [D-273].

Chapter 285. TRAFFIC VIOLATIONS.

§ 11714. Gross weight, axle and wheel loads. AM. L. 1949, Act 94 [D-274].

§ 11715. Exceptions. AM. L. 1949, Act 94 [D-274].

§§ 11721-24. Driving while drunk or drugged. NEW, L. 1949, Act 283 [D-275].

§ 11730. Motorcycles, noisy mufflers; penalty. NEW, L. 1949, Act 21 [D-276].

Chapter 286. TRESPASS; TRAIN WRECKING.

§ 11751. Trespass, penalty. Am. L. 1945, Act 76 [D-185].

Chapter 287. VAGRANTS; BEGGARS; LOITERERS:
SORCERY.

§ 11771. Vagrants; beggars; pickpockets, etc., penalty. Am. L. 1945, Act 48 [D-186]; am. L. 1949, Act 139 [D-277]; Act 100 [D-278]; Act 99 [D-279,] rewritten pp. 604-5.

§§ 11771.01-.02. Disorderly conduct. NEW, L. 1949, Act 139 [D-277].

§ 11772. Begging or soliciting alms; penalty. AM. L. 1949, Act 100 [D-278].

§ 11775. Fortune tellers; penalty. NEW, L. 1949, Act 99 [D-279].

Title 31: DECEDENTS' ESTATES.

Chapter 290. PROBATE: JURISDICTION AND
PROCEDURE.

§ 12014.01. Determination of bar to dower or curtesy. NEW, L. 1945, Act 212 [D-192].

§ 12015. Continuance of partnership. AM. L. 1945, Act 215 [D-187].

§ 12022. Creditors' claims; advertisement; barred when. AM. L. 1945, Act 273 [D-201]; am. L. 1947, Act 98 [D-170], rewritten pp. 387-8.

§§ 12026-8. Sale of real estate. AM. L. 1945, Act 122 [D-188].

§ 12031-A. Payments into court. NEW, L. 1947, Act 99 [D-171]; am. L. 1949, Act 395 [D-280].

§ 12037. Clerk of circuit court to administer. AM. L. 1945, Act 206 [D-189]; am. L. 1949, Act 395 [D-280].

§ 12037.01. Estates of non-resident members of the military or naval service of the United States. NEW, L. 1945, Act 258 [D-190].

§ 12041. Duties of clerk and distribution. Am. L. 1949, Act 395 [D-280], rewritten pp. 610-11.

§ 12042. Undistributed proceeds or balances, disposition. Am. L. 1949, Act 395 [D-280], rewritten p. 611.

§ 12043. Exemption from costs. AM. L. 1949, Act 395 [D-280].

§ 12044. Estates of persons leaving no known relatives. Am. L. 1949, Act 395 [D-280].

§ 12045. Estates less than two hundred dollars. Am. L. 1949, Act 395 [D-280].

§ 12046. Annual audit of accounts of clerk. AM. L. 1947, Act 160 [D-172].

§ 12047.01. Estates of temporary residents. NEW, L. 1945, Act 199 [D-191].

Chapter 291. DESCENT OF PROPERTY.

Series D-234: ACT 306

An Act Relating to Descent of Property and
Amending Paragraphs 2 and 3 of Section 12073 of the
Revised of Hawaii 1945.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Paragraph 2 of section 12073* of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"2. Widow; father and mother; brothers and sisters. If the intestate shall leave no issue, his estate shall descend one-half to his widow, and the other half to his father and mother as tenants in common; and if he leave no widow, nor issue, the whole shall descend to his father and mother, or to either of them if only one be alive.

If he shall leave no issue, nor father, nor mother, his estate shall descend one-half to his widow, and the other half to his brothers and sisters, and to the children of any deceased brother or sister by right of representation. If he shall leave no issue, nor father, nor mother, nor widow, his estate shall descend to his brothers and sisters, and to the children of any deceased brother or sister by right of representation."

Section 2. Paragraph 3 of section 12073 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"3. Husband; father and mother; brothers and sisters. If the intestate be a woman and leave no issue, her estate shall descend one-half to her husband, and the other half to her father and mother as tenants in common, and if she leave no husband, nor issue, the whole shall descend to her father and mother, or to either of them if only one be alive; if she shall leave no issue, nor father, nor mother, her estate shall descend one-half to her husband and the other half to her brothers and sisters, and to the children of any deceased brother or sister by right of representation. If she shall leave no issue, nor father, nor mother, nor husband, her estate shall descend to her brothers and sisters, and to the children of any deceased brother or sister by right of representation."

Section 3. This Act shall take effect upon its approval.

(Approved June 12, 1951.) H.B. 914, Act 306.

* § 12073, as so amended, reads:

Sec. 12073. General rules of descent. 1. Issue, lineal descendants. The property shall be divided equally among the intestate's children, and the issue of any deceased child by right of representation, and if there is no child of the intestate living at his death, his estate shall descend to all his other lineal descendants; and if all such descendants are in the same degree of kindred to the intestate, they shall share the estate per capita, that is, equally; otherwise they shall inherit per stirpes, that is, by each of the children taking a share, and the grandchildren, the children of a deceased child taking a share, to be afterwards divided among themselves.

2. Widow; father and mother; brothers and sisters. If the intestate shall leave no issue, his estate shall descend one-half to his widow, and the other half to his father and mother as tenants in common; and if he leave no widow, nor issue, the whole shall descend to his father and mother, or to either of them if only one be alive.

If he shall leave no issue, nor father, nor mother, his estate shall descend one-half to his widow, and the other half to his brothers and sisters, and to the children of any deceased brother or sister by right of representation. If he shall leave no issue, nor father, nor mother, nor widow, his estate shall descend to his brothers and sisters, and to the children of any deceased brother or sister by right of representation.

3. Husband; father and mother; brothers and sisters. If the intestate be a woman and leave no issue, her estate shall descend one-half to her husband, and the other half to her father and mother as tenants in common, and if she leave no husband, nor issue, the whole shall descend to her father and mother, or to either of them if only one be alive; if she shall leave no issue, nor father, nor mother, her estate shall descend one-half to her husband and the other half to her brothers and sisters, and to the children of any deceased brother or sister by right of representation. If she shall leave no issue, nor father, nor mother, nor husband, her estate shall descend to her brothers and sisters, and to the children of any deceased brother or sister by right of representation.

4. Widow or husband. If the intestate shall leave no issue nor father, mother, brother or sister, nor descendants of any deceased brother or sister, the estate shall descend to the intestate's widow, if any; or in case the intestate be a woman, to her husband, if any.

5. Otherwise, next of kin. If the intestate shall leave none of such relatives surviving, nor widow, nor husband, the estate shall descend in equal shares to the next of kin in equal degree, but no person shall be entitled, by right of representation to the shares of such next of kin who shall have died; **provided**, however, that if the estate come through either parent of the deceased intestate, the brothers and sisters of that parent and their respective heirs shall be preferred to those of the other parent. [C. C. 1859, s. 1448; am. L. 1872, c. 1, s. 1 (repealed by L. 1898, c. 47, s. 2); am. L. 1898, c. 47, s. 1; R. L. 1925, s. 3305; R. L. 1935, s. 4813; R. L. 1945, c. 12073; am. L. 1951, c. 306, ss. 1, 2.]

Chapter 292. DOWER AND COURTESY.

§ 12100. Dower. Am. L. 1945, Act 273 [D-201], rewritten p. 297.

§ 12108. Bar of dower. AM. L. 1945, Act 212 [D-192].

§ 12115. Curtesy; election between curtesy and will. Am. L. 1945, Act 212 [D-192]; Act 273 [D-201], rewritten pp. 298-9.

Chapter 295. WILLS.

Series D-235: ACT 270

An Act Amending Section 12179 of the Revised Laws of Hawaii 1945, Relating to Revocation of Wills.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 12179 of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"Sec. 12179. By marriage and birth or by adoption of child. If, after the making of a will, the testator shall marry and shall have a child born to him, or shall marry and legally adopt a child, and no provision shall be made in the will for such contingency, such marriage and birth, or such marriage and adoption, shall operate as a revocation of the will." [C.C. 1859, s. 1472; R. L. 1925, s. 3325; R. L. 1935, s. 4919; R. L. 1945, s. 12179; am. L. 1951, c. 270, s .1.]

Section 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved June 7, 1951.) H.B. 766, Act 270.

Title 32: DOMESTIC RELATIONS.

Chapter 296. ANNULMENT, DIVORCE AND SEPARATION.

Series D-236: ACT 287

An Act Amending Chapter 296 of the Revised Laws of Hawaii 1945 Relating to Annulment, Divorce and Separation.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 296 of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(1) By amending paragraph numbered 4 of section 12210* of the Revised Laws of Hawaii 1945 to read as follows:

"4. For insanity of either party, where the same has existed for three years or more next preceding the filing of the libel;".

(2) By amending section 12217 to read as follows:

"Sec. 12217. Guardian ad litem for insane libellee. In every case under this chapter, where the ground for divorce alleged in the libel is the insanity of the libellee, existing for more than three years, the court shall appoint a guardian ad litem for the libellee, who shall be an attorney of such court not interested in the cause on the part of the libellant, who shall appear for the libellee and diligently protect and care for the rights and interests of the libellee." [L. 1919, c. 10, pt. of s. 2; R. L. 1925, s. 2972; R. L. 1935, s. 4467; R. L. 1945, s. 12217; am. L. 1951, c. 287, s. 1(2).]

(3) By amending section 12218 to read as follows:

"Sec. 12218. Insanity as ground for divorce; definition. No divorce shall be granted on the ground of insanity to any libellant unless it be satisfactorily proved that the husband or wife of the libellant is, and for more than three years prior to the filing of the libel has been insane." [L. 1919, c. 10, pt. of s. 2; R. L. 1925, s. 2974; R. L. 1935, s. 4469; R. L. 1945, s. 12218; am. L. 1951, c. 287, s. 1(3).]

(4) By amending section 12222 to read as follows:

"Sec. 12222. Costs where insanity ground for divorce. In every suit for divorce on the ground of insanity of the libellee, all costs incurred, including a reasonable allowance for expenses and for a fee to the guardian of the libellee, shall, in the discretion of the court, be taxed either against the libellant or the libellee." [L. 1919, c. 10, pt. of s. 2; R. L. 1925, s. 2975; R. L. 1935, s. 4470; R. L. 1945, s. 12222; am. L. 1951, c. 287, s. 1(4).]

(5) By amending section 12223 to read as follows:

"Sec. 12223. Support of Hansen's disease sufferer or insane spouse after divorce. In every suit for divorce where a decree is granted to the libellant on the ground of the insanity of the libellee, or on the ground that the libellee is affected with Hansen's disease, the court may, at any time after entering such decree, revise and alter the same so far as the support and maintenance of the insane person or person affected with Hansen's disease is concerned, and may provide for such maintenance by the libellant out of any property or earnings acquired by the libellant subsequently, as well as previously, to the decree of divorce. The court making such order for maintenance, may, in its

discretion, require the libellant to give security to the satisfaction of the court for the faithful execution of the same." [L. 1919, c. 10, pt. of s. 2; R. L. 1925, s. 2973; R. L. 1935, s. 4468; R. L. 1945, s. 12223; am. L. 1951, c. 287, s. 1(5).]

Section 2. This Act shall take effect upon its approval.

(Approved June 9, 1951.) S.B. 485, Act 287.

* § 12210. Grounds for divorce. Am. L. 1949, Act 174 [D-281].

§ 12224.01. Restraining order. NEW, L. 1947, Act 122 [D-173].

§ 12233. Property of wife on divorce from husband. AM. L. 1945, Act 273 [D-201].

Chapter 297. DESERTION AND NON-SUPPORT.

Series D-237: ACT 257

An Act Relating to Desertion and Failure, Neglect, or Refusal to Provide for Support of Wife or Children; Amending Section 12251 of the Revised Laws of Hawaii 1945.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 12251* of the Revised Laws of Hawaii 1945, as amended by Act 383 (Series D-282) of the Session Laws of Hawaii 1949, is hereby further amended by inserting the words "wilfully fail, neglect, or" between the words "or" and "refuse" in lines four and eight of said section as the same are set forth in said Act 383, and after the word "or" at the end of line nine of said section as the same is so set forth.

Section 2. This Act shall take effect upon its approval.

(Approved May 31, 1951.) S.B. 536, Act 257.

* § 12251, as so amended, reads:

Sec. 12251. Deserting wife or children; neglect or refusal to provide for support or maintenance of child or children; penalty. Any husband who shall desert or wilfully neglect his wife, or wilfully fail, neglect, or refuse to provide for her support or maintenance, thereby reducing her to destitute or necessitous circumstances, or any parent who shall desert or wilfully neglect his or her child or children under the age of sixteen years, or wilfully fail, neglect, or refuse to provide for the support or maintenance of such child or children or wilfully fail, neglect, or refuse to pay amounts awarded for the support and maintenance of such child or children under the provisions of a decree of divorce, thereby reducing such child or children to destitute or necessitous circumstances, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or imprisonment not exceeding one year, or both; provided, however, that instead of imposing the

sentence hereinbefore provided the court may release the defendant under suspended sentence for such period as shall be fixed by the court and under such terms as shall be fixed by the court as to the payment weekly or otherwise of money for the support of the wife or child and as to giving security for such payments and for the appearance of the defendant at such time or times as the court shall direct. The terms so fixed by the court shall be subject to change or additional security at any time. [L. 1913, c. 83, s. 1; am. L. 1915, c. 100, s. 1; R. L. 1925, s. 3014; R. L. 1935, s. 4500; R. L. 1945, s. 12251; am. L. 1949, c. 383, s. 1; am. L. 1951, c. 257, s. 1.]

Chapter 297 A. ENFORCEMENT OF SUPPORT, UNIFORM RECIPROCAL LAW.

Series D-238: ACT 216

An Act to Provide for Uniform Reciprocal
Enforcement of Support.

Be it Enacted by the Legislature of the Territory of Hawaii:

Part 1—GENERAL PROVISIONS

[Sec. 12256.01.] Section 1. **Purposes.** The purposes of this Act are to improve and extend by reciprocal legislation the enforcement of duties of support and to make uniform the law with respect thereto. [L. 1951, c. 216, s. 1.]

[Sec. 12256.02.] Section 2. **Definitions.** As used in this Act unless the context requires otherwise:

(1) "State" includes any state, territory or possession of the United States and the District of Columbia in which this or a substantially similar reciprocal law has been enacted.

(2) "Initiating state" means any state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced.

(3) "Responding state" means any state in which any proceeding pursuant to the proceeding in the initiating state is or may be commenced.

(4) "Court" means any circuit court of this Territory and when the context requires, means the court of any state as defined in a substantially similar reciprocal law.

(5) "Law" includes both common and statute law.

(6) "Duty of support" includes any duty of support imposed or imposed by law, or by any court order, decree or judgment, whether interlocutory or final, whether incidental to a proceeding for divorce, judicial separation, separate maintenance or otherwise.

(7) "Obligor" means any person owing a duty of support.

(8) "Obligee" means any person to whom a duty of support is owed. [L. 1951, c. 216, s. 2.]

[Sec. 12256.03.] Section 3. **Remedies additional to those now existing.** The remedies herein provided are in addition to and not in substitution for any other remedies. [L. 1951, c. 216, s. 3.]

[Sec. 12256.04.] Section 4. **Extent of duties of support.** The duty of support imposed by the laws of this Territory, or by the laws of the state where the obligee was present when the failure to support commenced as provided in section 7 and the remedies provided for enforcement thereof, including any penalty imposed thereby, bind the obligor regardless of the presence or residence of the obligee. [L. 1951, c. 216, s. 4.]

Part II—CRIMINAL ENFORCEMENT

[Sec. 12256.05.] Section 5. **Interstate rendition.** The governor of this Territory (1) may demand from the governor of any state the surrender of any person found in such state who is charged in this Territory with the crime of failing to provide for the support of any person in this Territory and (2) may surrender on demand by the governor of any state any person found in this Territory who is charged in such state with the crime of failing to provide for the support of a person in such state. The provisions for extradition of criminals not inconsistent herewith shall apply to any such demand although the person whose surrender is demanded was not in the demanding state at the time of the commission of the crime and although he had not fled therefrom. Neither the demand, the oath nor any proceedings for extradition pursuant to this section need state or show that the person whose surrender is demanded has fled from justice, or at the time of the commission of the crime was in the demanding or the other state. [L. 1951, c. 216, s. 5.]

[Sec. 12256.06.] Section 6. **Relief from the above provisions.** Any obligor contemplated by section 5, who submits to the jurisdiction of the court of such state and complies with the court's order of support, shall be relieved of extradition for desertion or non-support entered in the courts of this Territory during the period, of such compliance. [L. 1951, c. 216, s. 6.]

Part III—CIVIL ENFORCEMENT

[Sec. 12256.07.] Section 7. **What duties are enforceable.** Duties of support enforceable under this law are those imposed or imposable under the laws of any state where the alleged obligor was present during the period for which support is sought or where the

obligee was present when the failure to support commenced, at the election of the obligee. [L. 1951, c. 216, s. 7.]

[Sec. 12256.08.] Section 8. **Remedies of a state or political subdivision thereof furnishing support.** Whenever the state or a political subdivision thereof has furnished support to an obligee it shall have the same right to invoke the provisions hereof as the obligee to whom the support was furnished for the purpose of securing reimbursement of expenditures so made. [L. 1951, c. 216, s. 8.]

[Sec. 12256.09.] Section 9. **How duties of support are enforced.** All duties of support are enforceable by action commenced by complaint irrespective of relationship between the obligor and obligee. Jurisdiction of all proceedings hereunder shall be vested in the circuit judge or judges severally of the circuit in which the plaintiff shall have resided for 60 days next preceding his or her complaint. [L. 1951, c. 216, s. 9.]

[Sec. 12256.10.] Section 10. **Contents of complaint for support.** The complaint shall be verified and shall state the name and, so far as known to the plaintiff, the address and circumstances of the defendant and his dependents for whom support is sought and all other pertinent information. [L. 1951, c. 216, s. 10.]

[Sec. 12256.11.] Section 11. **Duty of court of this Territory as initiating state.** If the court of this Territory acting as an initiating state finds that the petition sets forth facts from which it may be determined that the defendant owed a duty of support and that a court of the responding state may obtain jurisdiction of the defendant or his property, he shall so certify and shall cause certified copies of the complaint, the certificate and an authenticated copy of this Act to be transmitted to the court of the responding state. [L. 1951, c. 216, s. 11.]

[Sec. 12256.12.] Section 12. **Duty of the court of this Territory as responding state.** When any court of this Territory, acting as a responding state, receives from the court of an initiating state the aforesaid copies, it shall (1) docket the cause, (2) notify the clerk of the court who shall be charged with the duty of carrying on the proceedings, (3) set a time and place for a hearing, and (4) take such action as is necessary in accordance with the laws of this Territory to obtain jurisdiction. [L. 1951, c. 216, s. 12.]

[Sec. 12256.13.] Section 13. **Order of support.** If the court of the responding state finds a duty of support, it may order the defendant to furnish support or reimbursement therefor and subject the property of the defendant to such order. [L. 1951, c. 216, s. 13.]

[Sec. 12256.14.] Section 14. **Responding state to transmit copies of initiating state.** The court of this Territory when acting as a responding state shall cause to be transmitted to the court of the initiating state a copy of all orders of support or for reimbursement therefor. [L. 1951, c. 216, s. 14.]

[Sec. 12256.15.] Section 15. **Additional powers of court.** In addition to the foregoing powers, the court of this Territory when acting as the responding state has the power to subject the defendant to such terms and conditions as the court may deem proper to assure compliance with its orders and in particular

(a) To require the defendant to furnish recognizance in the form of a cash deposit or bond of such character and in such amount as the court may deem proper to assure payment of any amount required to be paid by the defendant.

(b) To require the defendant to make payments at specified intervals to the clerk or probation officer of the court or the obligee or such other person or institution as the court may designate and to report personally to such clerk, probation officer, person, or institution at such times as may be deemed necessary.

(c) To punish the defendant who shall violate any order of the court to the same extent as is provided by law for contempt of the court in any other suit or proceeding cognizable by the court. [L. 1951, c. 216, s. 15.]

[Sec. 12256.16.] Section 16. **Additional duties of the court of this Territory when acting as a responding state.** The court of this Territory when acting as a responding state shall have the following duties which may be carried out through the clerk of the court:

(a) Upon the receipt of a payment made by the defendant pursuant to any order of the court or otherwise, to transmit the same forthwith to the court of the initiating state, and

(b) Upon request to furnish to the court of the initiating state a certified statement of all payments made by the defendant. [L. 1951, c. 216, s. 16.]

[Sec. 1225.17.] Section 17. **Additional duty of the court of this Territory when acting as an initiating state.** The court of this Territory when acting as an initiating state shall have the duty which may be carried out through the clerk of the court to receive and disburse forthwith all payments made by the defendant or transmitted by the court of the responding state. [L. 1951, c. 216, s. 17.]

[Sec. 12256.18.] Section 18. **Evidence of husband and wife.** Laws attaching a privilege against the disclosure of communications

between husband and wife are inapplicable to proceedings under this Act. Husband and wife are competent witnesses and may be compelled to testify to any relevant matter, including marriage and parentage. [L. 1951, c. 216, s. 18.]

Section 19. **Severability.** If any provision hereof or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 20. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 28, 1951.) S.B. 566, Act 216.

Chapter 298. CHILDREN.

§ 12261.01. **Minority of veterans.** NEW, L. 1947, Act 9 [D-174].

§ 12265. **Parents, et al. contributing to delinquency, penalty.** AM. L. 1945, Act 187 [D-193].

§ 12267. **Court having jurisdiction.** Am. L. 1945, Act 142 [D-154], rewritten p. 261.

§ 12271. **Written consent when and by whom.** Am. L. 1947, Act 47 [D-175]; am. L. 1949, Act 42 [D-283], Act 330 [D-284], rewritten pp. 614-15.

§ 12276. **Decree.** AM. L. 1945, Act 40 [D-194]; am. L. 1947, Act 47 [D-175], rewritten p. 392.

§ 12276.01. **Record of adoption.** NEW, L. 1945, Act 40 [D-194]; Am. L. 1947, Act 47 [D-175]; AM. L. 1949, Act 328 [D-285].

§ 12276.02. **Secrecy of records.** NEW, L. 1945, Act 40 [D-194].

§ 12280. **Rep. L. 1949, Act 327 [A-92].**

§ 12282. **Children in public streets, prohibited when; penalty.** Am. L. 1949, Act 279 [D-286].

Chapter 298 A. COMMISSION ON CHILDREN AND YOUTH.

§§ 12295.01-.04. **Youth commission.** NEW, L. 1949, Act 294 [D-287].

Chapter 299. ILLEGITIMATES: PATERNITY PROCEEDINGS.

§ 12301. **Application for arrest of alleged father; time limit; examination.** Am. L. 1945, Act 177 [D-195]; am. L. 1947, Act 57 [D-176], rewritten pp. 395-96.

§ 12302. **Issuance of warrant; time limit; preliminary hearing; bond; trial when, jury.** Am. L. 1945, Act 177 [D-195].

JUVENILE COURTS—MARRIED WOMEN

§ 12302.01. Guardian ad litem for minor accused; notice to and liability of parents. NEW, L. 1947, Act 57 [D-176].

§ 12303. Trial, judgment. AM. L. 1945, Act 177 [D-195]; am. L. 1947, Act 57 [D-176].

§ 12304. Bond after judgment. AM. L. 1945, Act 177 [D-195].

§ 12306. Compromise of case; consent of court necessary. AM. L. 1947, Act 57 [D-176].

§ 12308. Recovery by civil action. AM. L. 1947, Act 57 [D-176].

§ 12310. Prosecution within two years; county attorney to prosecute. AM. L. 1947, Act 57 [D-176], rewritten p. 396.

Chapter 300. JUVENILE COURTS.

§ 12321. Dependents and delinquents. Evidence in proceedings inadmissible elsewhere. Proceedings not criminal. AM. L. 1947, Act 56 [D-177], rewritten p. 399; am. L. 1949, Act 96 [D-288].

§ 12322. Judges, jurisdiction. AM. L. 1945, Act 142 [D-154]; AM. L. 1947, Act 230 [D-178].

§ 12322.01. Appointment of referees; duties. NEW, L. 1949, Act 88 [D-289].

§ 12323. Trial, record. AM. L. 1947, Act 56 [D-177], rewritten pp. 399-400.

§ 12324. Procedure; probation; commitment. AM. L. 1947, Act 56 [D-177]; am. L. 1949, Act 230 [D-290], Act 46 [D-291].

§ 12324.01. Age limits; determination of jurisdiction. NEW, L. 1947, Act 56 [D-177].

§ 12325.01. Rehearing; appeal. NEW, L. 1947, Act 50 [D-179]; AM. L. 1949, Act 45 [D-292].

§ 12327. Care of delinquents; restrictions as to confinement; penalty. AM. L. 1949, Act 300 [D-293], rewritten pp. 625-26.

§ 12328. Detention and release of children. AM. L. 1949, Act 89 [D-294].

§ 12329. Care and custody of dependent and delinquent children; expenses. AM. L. 1945, Act 4 [D-196]; am. L. 1947, Act 56 [D-177]; am. L. 1949, Act 331 [D-295], rewritten p. 628.

§ 12332. Probation officers. AM. L. 1945, Act 142 [D-154]; AM. L. 1947, Act 230 [D-178].

Chapter 301. MARRIAGE: MARRIED WOMEN: NAMES.

§ 12352. Consent of parent or guardian. AM. L. 1947, Act 43 [D-180], rewritten p. 405.

§ 12355. Agent to grant; fee. AM. L. 1947, Act 21 [D-181].

§ 12356.01. Premarital examination requirement. NEW, L. 1945, Act 136 [D-197].

§ 12357. Of divorced person. AM. L. 1947, Act 83 [D-182].

§ 12358. Persons under age. AM. L. 1947, Act 43 [D-180], rewritten p. 405.

§ 12366. Contracts. AM. L. 1945, Act 5 [D-198].

COMMUNITY PROPERTY—EQUITY

- § 12366.01. Partnership agreements. NEW, L. 1945, Act 5 [D-198].
§ 12367. Rep. L. 1945, Act 273 [D-201].
§ 12371. Not liable for husband's debts. Am. L. 1945, Act 254 [D-199], rewritten p. 310.
§ 12372. Husband's liabilities. Am. L. 1945, Act 254 [D-199]; AM. L. 1949, Act 273 [D-201].
§§ 12373-5. Rep. L. 1945, Act 273 [D-201]; see L. 1945, Act 254 [D-199].
§ 12387. Names, changed how. AM. L. 1945, Act 145 [D-200].
-

Chapter 301 A. COMMUNITY PROPERTY.

- §§ 12391.01-.04. Rep. L. 1949, Act 242 [D-296].
§ 12391.05. Presumption of separate property. NEW, L. 1945, Act 273 [D-201]; AM. L. 1949, Act 242 [D-296].
§ 12391.06. Rep. L. 1949, Act 242 [D-296].
§§ 12391.07-.09. Transfers and control of property. NEW, L. 1945, Act 273 [D-201].
§ 12391.10. Control of community property. NEW, L. 1945, Act 273 [D-201]; AM. L. 1949, Act 242 [D-296].
§ 12391.11. Incapacity of spouse. NEW, L. 1945, Act 273 [D-201].
§ 12391.12. Representation in legal proceedings. NEW, L. 1945, Act 273 [D-201].
§§ 12391.13-.14. Property subject to obligations; divorce—division of property. NEW, L. 1945, Act 273 [D-201].
§ 12391.15. Death of husband or wife. NEW, L. 1945, Act 273 [D-201]; am. L. 1949, Act 242 [D-296].
§§ 12391.16-.18. Balance of community property law. NEW, L. 1945, Act 273 [D-201].
-

Title 33: EQUITY.

Chapter 304. PARTITION OF REAL ESTATE.

- § 12456. Powers of court. Am. L. 1949, Act 222 [B-204].
-

Title 34: GUARDIANS AND TRUSTEES.

Chapter 305. GUARDIANS AND WARDS.

- § 12504. Small estates; clerk of court to act when. Am. L. 1947, Act 96 [D-183], rewritten p. 408.
§ 12507. Appointment of guardian ad litem. AM. L. 1947, Act 78 [D-184].
§§ 12519.01-.03. Conservator for absent persons' property. NEW, L. 1945, Act 30 [D-202].
§ 12540. When value does not exceed two thousand five hundred dollars. Am. L. 1945, Act 211 [D-203].

- § 12545. Rep. L. 1947, Act 97 [D-185].
 § 12546. Notice of sale. Am. L. 1949, Act 81 [D-297].
 § 12549. Notice and perpetuation of evidence. Am. L. 1947, Act 97 [D-185], rewritten p. 410.
 § 12552. Sale, when valid. Am. L. 1947, Act 97 [D-185], AM. L. 1949, Act 81 [D-297].

**Chapter 305 A. VETERANS' GUARDIANSHIP,
UNIFORM ACT.**

§§ 12561.01-.03. Guardianship of incompetent veterans, etc. NEW, L. 1947, Act 202 [D-186].

Series D-239: ACT 60

An Act Amending Section 4 of Act 202 of the Session Laws of Hawaii 1947, Relating to Limitation on the Number of Wards Under the Uniform Veterans' Guardianship Act.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 4 [Sec. 12561.04.*] of Act 202 of the Session Laws of Hawaii 1947 is hereby amended by inserting after the words "or trust company" in the first line thereof, the words "or the chief clerk of a circuit court of the Territory of Hawaii". [L. 1947, c. 202, s. 4; am. L. 1951, c. 60, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 10, 1951.) S.B. 338, Act 60.

* § 12561.04. Limitation on number of wards. NEW, L. 1947, Act 202 [D-186].

§§ 12561.05-.22. Guardianship of incompetent veterans, etc. NEW, L. 1947, Act 202 [D-186].

Chapter 306. TRUSTS AND TRUSTEES: ACCOUNTS.

§ 12574. Trustees and guardians to file. Am. L. 1945, Act 186 [D-204].

Title 35: LAND COURT AND CONVEYANCES.

Chapter 307. LAND COURT REGISTRATION.

§ 12630. Reference to other judges or to master; maps, reference; subdivision; costs; etc. Am. L. 1949, Act 394 [D-298].

§ 12641. Tenure of holder of certificate of title. AM. L. 1945, Act 255 [D-205]; am. L. 1949, Act 144 [D-299].

§ 12644. Substitution, one certificate for several, several for one; subdivisions, map. Am. L. 1949, Act 222 [B-204]; am. L. 1951, Act 271 [B-147], *supra*.

§ 12646. No adverse possession or prescription. Am. L. 1949, Act 64 [D-300].

Series D-240: ACT 142

An Act Relating to Mortgagee's and Lessee's Duplicate Certificates of Title, Providing for the Surrender and Cancellation Thereof, and Amending Sections 12660, 12661, 12662, 12663, 12684 and 12695 of the Revised Laws of Hawaii 1945, as Amended.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 12660** is hereby amended by deleting the last paragraph thereof.

Section 2. **Section 12661**, as amended by Act 241 (Series D-206) of the Session Laws of 1945, is hereby repealed.

Section 3. **Section 12662** is hereby amended by deleting from the twenty-first line thereof the words "and the mortgagee's duplicate, if any,".

Section 4. **Section 12663** is hereby amended by deleting the last sentence thereof.

Section 5. **Section 12684** is hereby amended as follows: by deleting from the sixth and seventh lines thereof the words, "and any duplicate certificate of title issued to the mortgagee or lessee," and by deleting the last sentence thereof.

Section 6. **Section 12695** is hereby amended by deleting the last paragraph thereof.

Section 7. All mortgagee's and lessee's duplicate certificates of title heretofore issued shall be surrendered to the assistant registrar of the land court and cancelled by him and appropriate notations made upon the proper certificate of title registered in his office. For this purpose the judge of the land court shall

have the power to order the surrender to the said assistant registrar of any such mortgagee's or lessee's duplicate certificate of title.

Section 8. This Act shall take effect upon its approval.

(Approved May 23, 1951.) H.B. 59, Act 142.

§ 12669. Filing, etc. AM. L. 1949, Act 237 [D-301].

§ 12685. Notice of bankruptcy proceedings. Am. L. 1949, Act 313 [D-302].

§ 12698. Fees required for protection against loss or damage. AM. L. 1945, Act 255 [D-205].

§ 12705. Schedule. Am. L. 1945, Act 255 [D-205]; AM. L. 1945, Act 241 [D-206]; am. L. 1949, Act 394 [D-298].

Chapter 308. BUREAU OF CONVEYANCES; RECORDING.

Series D-241: ACT 47

An Act Relating to the Organization of Certain Executive Departments; Transferring the Bureau of Conveyances from the Treasury Department to the Department of Public Lands; and Amending Sections 12710 and 12712, Revised Laws of Hawaii 1945.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 12710, Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"Sec. 12710. Registrar; appointment; tenure; salary.
There shall be a bureau in the department of public lands to be called the bureau of conveyances. A registrar of conveyances shall be appointed by the commissioner of public lands, under the provisions of chapters 2 and 3, Revised Laws of Hawaii 1945, and shall be superintendent of the bureau. He shall receive such salary as shall be provided by law." [C. C. 1859, s. 1249; R. L. 1925, s. 3124; am. L. 1931, c. 63, s. 1; R. L. 1935, s. 5110; R. L. 1945, s. 12710; am. L. 1951, c. 47, s. 1.]

Section 2. Section 12712, Revised Laws of Hawaii 1945, is hereby amended by substituting for the word "treasurer" appearing in line 2 thereof, the words "commissioner of public lands."

Section 3. The officer engaged in the discharge of the duties of registrar of conveyances immediately prior to the effective

date of this Act shall continue in his office and shall be deemed a member of the territorial civil service system, without loss of his vacation allowance, service credit, and other rights and privileges.

Section 4. All records, equipment, moneys, and personnel of the bureau of conveyances shall be transferred from the treasury department to the department of public lands, without loss of vacation allowance, service credit and other rights and privileges on the part of such personnel.

Section 5. This Act shall take effect July 1, 1951.

(Approved May 10, 1951.) S.B. 73, Act 47.

§ 12720. Filing of plans; data; etc. Am. L. 1949, Act 222 [B-204]; am. L. 1951, Act 271 [B-147], *supra*.

Series D-242: ACT 200

An Act Amending Section 12721 of the Revised Laws of Hawaii 1945 Relating to the Description of the Land Shown on File Plans Filed in the Bureau of Conveyances.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. That section 12721* of the Revised Laws of Hawaii 1945 is hereby amended by eliminating the first sentence of said section and in place thereof incorporating the following:

"A metes and bounds description of the exterior boundaries of the parcel or parcels of land sought to be registered as a File Plan shall be written upon the said plan, or printed or typewritten on unruled good quality white paper 13 inches long by 8-1/2 inches wide, shall be filed in duplicate with the file plan, and shall be dated and signed by the surveyor making the field survey, or under whose supervision the field survey was executed. The boundaries of the land platted shall be described as running from left to right (clockwise) and the azimuth system shall be used in designating the courses of the survey with zero or 360 degrees at due South; 90 degrees at due West; 180 degrees at due North; 270 degrees at due East. Any printed or typewritten description filed separately with the file plan shall be recorded in the registry system and the book and page thereof noted on the file plan. Expense of recordation shall be charged to the owner."

Section 2. This Act shall take effect upon its approval.

(Approved May 28, 1951.) S.B. 458, Act 200.

* § 12721, as so amended, reads:

Sec. 12721. Description; lot subdivisions. A metes and bounds description of the exterior boundaries of the parcel or parcels of land sought to be registered as a File Plan shall be written upon the said plan, or printed or typewritten on unruled good quality white paper 13 inches long by 8½ inches wide, shall be filed in duplicate with the file plan, and shall be dated and signed by the surveyor making the field survey, or under whose supervision the field survey was executed. The boundaries of the land platted shall be described as running from left to right (clockwise) and the azimuth system shall be used in designating the courses of the survey with zero or 360 degrees at due South; 90 degrees at due West; 180 degrees at due North; 270 degrees at due East. Any printed or typewritten description filed separately with the file plan shall be recorded in the registry system and the book and page thereof noted on the file plan. Expense of recordation shall be charged to the owner. The initial point in the description shall clearly show the connection with the government triangulation system, and all outside corners of the tract shall be substantially marked by monuments in the ground, where practicable; **provided**, however, that in all cases where tracts of land are subdivided into lots, with the intention of conveying separate lots by lot number and reference to the plat, it shall be necessary to show the true azimuths and lengths of all principal lines, the lot areas, and a sufficient number of durable monuments shall be placed in the ground so as to accurately identify each lot. [L. 1905, c. 23, s. 2; am. L. 1915, c. 68, s. 2; R. L. 1925, s. 3135; am. L. 1931, c. 63, s. 3; R. L. 1935, s. 5121; R. L. 1945, s. 12721; am. L. 1951, c. 200, s. 1.]

Series D-243: ACT 112

An Act to Amend Section 12728 of the Revised Laws of Hawaii 1945, as Amended, Relating to the Fees of the Bureau of Conveyances.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 12728 of the Revised Laws of Hawaii 1945, as amended by Act 157 (Series D-187) of the Session Laws of 1947, is hereby further amended by deleting the first twenty-one lines thereof to and including the line reading, "Lease or sublease . . . seven dollars", and inserting in lieu thereof the following:

"Sec. 12728. Fees. The registrar shall be entitled to demand and receive the following fees, viz:

For the registry of any of the following instruments required by law to be recorded, or presented for record, **provided**, however, that no fee shall be required of any county presenting a document for record, wherein the county is the grantee:

Deed or correction of a deed.....	five dollars
Power of attorney.....	five dollars
Mortgages, including chattel and crop mortgages.....	twelve dollars
Foreclosure of mortgage, with or without affidavit.....	twelve dollars
Additional charge mortgage.....	four dollars
Additional security mortgage.....	four dollars
Extension of mortgage.....	four dollars
Assignment of mortgage.....	two dollars
and fifty cents for each additional assignment contained in one instrument	
Release of mortgage.....	two dollars
Partial release of mortgage.....	four dollars
Lease or sublease.....	twelve dollars."

Section 2. This Act shall take effect upon its approval.

(Approved May 19, 1951.) H.B. 61, Act 112.

§ 12728. AM. L. 1947, Act 157 [D-187].

Series D-244: ACT 141

An Act to Amend Section 12729 of the Revised
Laws of Hawaii 1945, Relating to the Duties of the
Registrar of Conveyances.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 12729 of the Revised Laws of Hawaii 1945
is hereby amended to read as follows:

"Sec. 12729. Attested copies, certificates. The registrar shall, when applied to therefor, furnish an attested copy of any instrument or document recorded in his office, or of any fact appearing upon his records. He may issue certificates of search or incumbrance when personnel is available for the making thereof. The fees hereinbefore specified shall be collected." [C. C. 1859, s. 1264; R. L. 1925, s. 3142; R. L. 1935, s. 5129; R. L. 1945, s. 12729; am. L. 1951, c. 141, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 23, 1951.) H.B. 58, Act 141.

§ 12730. Recording, method. Am. L. 1945, Act 241 [D-206].

Series D-245: ACT 38

An Act Relating to Deeds Offered for Record,
Amending Chapter 308 of the Revised Laws of Hawaii
1945, by inserting Therein a New Section 12732.01.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 308 of the Revised Laws of Hawaii 1945 is hereby amended by inserting therein a new section 12732.01 to read as follows:

"Sec. 12732.01. Grantee's address in deed. It shall not be lawful for the registrar to record any deed unless it shall contain or have endorsed upon it the place of residence and post office address of the grantee; **provided,** that this section shall not apply to any deed executed prior to July 1, 1951." [L. 1951, c. 38, s. 1.]

Section 2. This Act shall take effect thirty days after its approval.

(Approved May 4, 1951.) **H.B. 734, Act 38.**

§ 12733. Acknowledgment certificates. Am. L. 1945, Act 84 [D-207].

§ 12739. Acknowledgments without the United States; persons in armed services, etc. Am. L. 1945, Act 53 [D-208]; AM. L. 1947, Act 86 [D-188].

§ 12743.01. Signatures of government officers. NEW, L. 1945, Act 84 [D-207].

§ 12761.01. Translation of Hawaiian documents, recording. NEW, L. 1945, Act 54 [D-209].

Chapter 311. FEDERAL TAX LIEN REGISTRATION.

§ 12790. Notices filed where. AM. L. 1949, Act 216 [D-303].

§ 12793. Rep. L. 1949, Act 216 [D-303].

§ 12794. Fees. AM. L. 1949, Act 56 [D-304].

Chapter 311 A. FEDERAL JUDGMENT REGISTRATION.**Series D-246: ACT 295**

An Act Relating to the Registration of Judgments of Federal Courts.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The Revised Laws of Hawaii 1945 is hereby amended by adding thereto a new chapter to be numbered and to read as follows:

**"CHAPTER 311-A. FEDERAL JUDGMENT
REGISTRATION.**

Sec. 12800. Registration of federal judgments. Judgments of United States courts may be registered, recorded, docketed and indexed in the bureau of conveyances or with the assistant registrar of the land court in the same manner as judgments of the courts of the Territory of Hawaii." [L. 1951, c. 295, s. 1.]

Section 2. This Act shall take effect July 1, 1951.

(Approved June 9, 1951.) H.B. 947, Act 295.

PART E.

Title 36: MISCELLANEOUS PROVISIONS.

Chapter 313. CERTIFICATES OF HAWAIIAN BIRTH:
IMMIGRATION AND LABOR.

Series E-247: ACT 132

An Act Relating to Certificates of Hawaiian Birth and Amending Section 12910 of the Revised Laws of Hawaii 1945.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 12910 of the Revised Laws of Hawaii 1945 is hereby amended by amending the first sentence thereof to read as follows:

"The secretary of the territory may, whenever satisfied that any person was born within the Territory of Hawaii, cause to be issued to such person a certificate showing such fact; **provided**, that such person has attained the age of one year."

Section 2. This Act shall take effect upon its approval.

(Approved May 21, 1951.) H.B. 494, Act 132.

Chapter 313.01. DISASTER RELIEF.

§§ 12920.01--11. Disaster Relief. NEW, L. 1949, Act 320 [E-305]; see L. 1951, Act 218 [E-258], *infra*.

Chapter 314. EQUAL RIGHTS COMMISSION.

§§ 12921-23. Rep. L. 1947, Act 115 [F-217].

Chapter 315. FAIR AND KAMEHAMEHA DAY COMMISSIONS.

§ 12935. How constituted; powers and duties. Am. L. 1949, Act 87 [E-306].

Chapter 316 A. HISTORICAL SITES COMMISSION.

Series E-248: ACT 36

An Act Creating a Commission on Historical Sites and Defining its Powers and Duties.

Be it Enacted by the Legislature of the Territory of Hawaii:

[Sec. 12942.] Section 1. [**Historical sites commission; members, appointment, tenure.**] There is hereby created a territorial commission on historical sites of five members, at least one of whom shall be a resident of each of the counties and city and county of Honolulu, who shall be appointed by the governor in accordance with the provisions of section 80 of the Hawaiian Organic Act. The members of the commission shall serve for a term of four years each. In case of a vacancy occurring through any cause other than the expiration of the term of office, such vacancy shall be filled by the appointment of a succeeding member for the remainder of the term for which his predecessor was appointed. The members of the commission shall serve without remuneration. The members of the commission shall select their own chairman, and other proper officers, except that the executive secretary of the Hawaii Visitors' Bureau shall be the secretary of the commission. [L. 1951, c. 36, s. 1.]

[Sec. 12943.] Section 2. [**Powers and duties.**] It shall be the duty of the commission to locate, identify, and preserve in suitable records information regarding heiaus, ancient burial places, and sites of historical interest. The commission shall cooperate with other territorial agencies and owners of private historical sites. Any

law to the contrary notwithstanding, no public road, street, highway or public construction or improvement of any nature resulting in the total or partial destruction of any heiau, ancient burial place or site of ancient or historical interest shall be undertaken or prosecuted without the concurrence of the commission, except as hereinafter provided. If the concurrence of the commission is not obtained within thirty days after the filing of a request therefor with the commission by, or after the filing of a notice of objections by the commission with, the agency seeking to proceed with any project, such agency may apply to the governor for permission to proceed notwithstanding the non-concurrence of the commission and the governor may take such actions as he deems best in overruling or sustaining the commission. [L. 1951, c. 36, s. 2.]

[Sec. 12944.] Section 3. [County advisory committees.] There shall be a county advisory committee on historical sites in each of the several counties of the territory. Each committee shall be composed of three members two of whom shall be appointed by the mayor or the chairman of the board of supervisors as the case may be, after consultation with interested groups within the county, and one of whom shall be the member of the territorial commission on historical sites appointed by the governor from such county who shall also be chairman ex officio of the county advisory committee. Each member of the committee appointed by the mayor or the chairman of the board of supervisors shall serve for a term of four years. In case of a vacancy occurring through any cause other than the expiration of the term of office, such vacancy shall be filled by the appointment of a succeeding member for the remainder of the term for which his predecessor was appointed. The county advisory committee in each county shall act as advisor to the commission on matters pertaining to the commission in the particular county. [L. 1951, c. 36, s. 3.]

[Sec. 12945.] Section 4. [Government agencies to aid commission.] The commission may call upon any department, commission, board, agency, officer and employee of the territory and of any political subdivision thereof for such assistance and information, records and documents as the commission deems proper for the accomplishment of the purposes for which it is created. [L. 1951, c. 36, s. 4.]

Section 5. All laws or parts of laws inconsistent herewith are hereby amended to conform to the provisions of this Act.

Section 6. This Act shall take effect upon its approval.

(Approved May 4, 1951.) H.B. 409, Act 36.

Title 37: WAR EMERGENCY, MILITARY AND DEFENSE.

Chapter 318. MILITARY COURTS-MARTIAL.

Series E-249: ACT 30

An Act to Amend Sections 13002 and 13011,
Revised Laws of Hawaii 1945, Relating to Military
Courts Martial.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 13002**, Revised Laws of Hawaii 1945, is hereby amended by inserting after the comma following the word "reprimand" on line 6 thereof the words "to give bad conduct discharges,".

Section 2. **Section 13011**, Revised Laws of Hawaii 1945, is hereby amended by inserting after the word "dismissal" on line 1 the words ", bad conduct discharge".

Section 3. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 4, 1951.) **S.B. 232, Act 30.**

Chapter 320. NATIONAL GUARD.

§§ 13030, AM., 13030.01-.03, NEW, 13032, 13034-37, 13040, AM., 13041.01, NEW, 13042-46, 13048, AM. **L. 1947**, Act 123 [E-189].

Series E-250: ACT 37

An Act to Amend Section 13050 of the Revised
Laws of Hawaii 1945, as Amended by Act 123 (Series
E-189) of the Sessions Laws of Hawaii 1947, Relating
to the Armory Board.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 13050 of the Revised Laws of Hawaii 1945, as amended by Act 123 (Series E-189) of the Session Laws of Hawaii 1947, is hereby further amended to read as follows:

"Sec. 13050. Armory board; appointment, duties, etc. It shall be the duty of the adjutant general to appoint an armory board to consist of seven members, the chairman and three members of which shall be residents of the city and

county of Honolulu, and the other three members of which shall be residents of the counties of Hawaii, Kauai and Maui, respectively. Members shall be commissioned officers of the national guard, **provided** that if part or all of the national guard is called or ordered into active federal service, one or more commissioned officers of the Hawaii Territorial Guard may be appointed to said board. Such board may, subject to such rules and regulations as may be issued by the governor, make rules and regulations governing the care and custody of armories, rifle ranges, reservations, and installations on license from the federal government, and may permit the use of or may temporarily rent such portions of armories, rifle ranges, reservations, and installations on license from the federal government as will not interfere with the military use thereof. All monies received from the rentals shall be paid into the territorial treasury and such monies may be expended by the board on warrants issued by the auditor on vouchers approved by the board for the purpose of purchasing furniture and repairing, equipping and maintaining armories and other facilities. The board shall cause to be kept suitable books of account, and shall annually submit to the governor to be by him submitted to the legislature, a statement showing receipts from all sources and expenditures for all purposes." [L. 1913, c. 113, s. 1; R. L. 1925, s. 221; am. L. 1931, c. 131, s. 1; R. L. 1935, s. 7830; R. L. 1945, s. 13050; am. L. 1947, c. 123, pt. of s. 1; am. L. 1951, c. 37, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 4, 1951.) H.B. 566, Act 37.

§§ 13050-51. Armory board; appointment, duties, etc.; enlistment. AM. L. 1947, Act 123 [E-189].

Series E-251: ACT 115

An Act to Amend Chapter 320 of the Revised Laws of Hawaii 1945, as Amended, Relating to the National Guard and the Unorganized Militia of the Territory of Hawaii.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 320 of the Revised Laws of Hawaii 1945, as amended, by Act 123, Session Laws of Hawaii 1947, is hereby amended in the following respects:

(1) By amending section 13059 to read as follows:

"Sec. 13059. Report for service, drills, etc. Every member of the national guard not excused therefrom shall report for active service whenever so ordered by the president of the United States or the governor or by the departments of the army and air forces of the United States. Every member not excused therefrom shall participate in assemblies for drill and instruction at any designated armory or rendezvous, practice marches, encampments, outdoor target practice, maneuvers or other exercise, to the extent prescribed by regulations of the department of the army of the United States. Failure to comply with any of the provisions of this section shall be punishable as a court martial may direct." [L. 1903, c. 59, s. 9; R. L. 1925, s. 231; am. L. 1927, c. 61, s. 1; R. L. 1935, s. 7840; R. L. 1945, s. 13059; am. L. 1947, c. 123, pt. of s. 1; am. L. 1951, c. 115, s. 1(1).]

(2) By amending section 13061 to read as follows:

"Sec. 13061. Calling out the national guard and the unorganized militia of the Territory of Hawaii. In case of war, insurrection, invasion, riot or imminent danger thereof, or any forcible obstruction to the execution of the laws, or reasonable apprehension thereof, or to assist civil authorities in disaster relief or civil defense, the president of the United States or the governor, may call the national guard or the militia or any part thereof into active service." [L. 1903, c. 59, s. 11; R. L. 1925, s. 233; R. L. 1935, s. 7842; R. L. 1945, s. 13061; am. L. 1951, c. 115, s. 1(2).]

(3) By amending section 13065 to read as follows:

"Sec. 13065. Property of territory. All property purchased by the territory for the national guard or the militia shall be and remain the property of the territory. All property of the United States issued to the national guard or to the militia shall, for the purpose of sections 13066, 13067, 13068, and any other similar and applicable section of law, be deemed to be the property of the territory." [L. 1903, c. 59, s. 16; R. L. 1925, s. 237; am. L. 1931, c. 24, s. 1; R. L. 1935, s. 7846; R. L. 1945, s. 13065; am. L. 1951, c. 115, s. 1(3).]

(4) By amending section 13072 to read as follows:

"Sec. 13072. Same, maneuvers, etc. Enlisted men while participating in maneuvers and other exercises, encampments and outdoor target practice when federal pay is received,

shall except when actually called or ordered into the service of the United States by or under the authority of the president, receive additional pay per day from the territory as follows:

Army Enlisted Grades	Air Forces Enlisted Grades
Grade 7—Master sergeant	Master sergeant.....\$.70
Grade 7—First sergeant	First sergeant..... .70
Grade 6—Sergeant first class	Technical sergeant.... .70
Grade 5—Sergeant	Staff sergeant..... .70
Grade 4—Corporal	Sergeant..... .70
Grade 3—Private first class	Corporal..... .60
Grade 2—Private	Private first class..... .50
Grade 1—Private	Private..... .50"

[L. 1935, c. 143, s. 1; R. L. 1945, s. 13072; am. L. 1951, c. 115, s. 1(4).]

Section 2. This Act shall take effect upon its approval.

(Approved May 19, 1951.) H.B. 565, Act 115.

§ 13071. Pay of enlisted men while on active duty. AM. L. 1947, Act 123 [E-189]; AM. Sp. L. 1949, Act 31 [E-45].

Chapter 322. HAWAII TERRITORIAL GUARD.

§ 13091. Authority; name. Am. L. 1949, Act 152 [E-307], rewritten p. 649.

§ 13094. Requisitions; armories; other buildings. Am. L. 1949, Act 152 [E-307], rewritten p. 649.

Chapter 323. VETERANS, BURIAL OF; CEMETERIES.

§§ 13104.01-.03. Veterans' cemeteries; appropriations; veterans' bonus. NEW, L. 1947, Act 214 [E-190].

§ 13106. Funeral expenses to be paid by Territory. Am. L. 1945, Act 198 [E-210], rewritten p. 333.

Chapter 323 A. VETERANS' COUNCIL.

§§ 13108.01-.09. Rep. L. 1951, Act 75 [E-252].

Series E-252: ACT 75

An Act Creating a New Council on Veterans' Affairs, Defining Its Functions, Powers and Duties, Abolishing the Territorial Council on Veterans' Affairs, Repealing Act 150 of the Session Laws of Hawaii 1945.

Be it Enacted by the Legislature of the Territory of Hawaii:

[Sec. 13109.01.] Section 1. **Council.** There is hereby created a council on veterans' affairs which shall consist of nine members, who shall be appointed and may be removed by the governor in the manner prescribed by section 80 of the Organic Act. Of such members, one shall be appointed from each of the counties of Hawaii, Maui and Kauai, four from the city and county of Honolulu, and the remaining members shall be appointed from residents of the Territory at large. At least seven of the members shall be veterans. One of the members appointed from residents of the city and county of Honolulu shall be designated in his appointment as chairman of the council. The members shall hold office for four years or until their successors are appointed and qualified; but of the first members appointed two shall be appointed for a term to expire on June 30, 1952, two for a term to expire on June 30, 1953, three for a term to expire on June 30, 1954, and two for a term to expire on June 30, 1955. Any appointment to a vacancy caused by the death, resignation, or inability to act of any member shall be for the unexpired term of such member. The members shall serve without pay, but they shall be entitled to be reimbursed for actual and necessary expenses incurred by them in discharging their official duties under this Act. [L. 1951, c. 75, s. 1.]

[Sec. 13109.02.] Section 2. **Definitions.** Unless the context clearly requires a different meaning, when used in this Act:

"Veteran" shall mean any person who shall have served in any of the armed services of the United States in any war or campaign in which the United States has been engaged, and who shall have been honorably discharged from such service because of disability or otherwise.

"Dependent" of a veteran shall mean any person who received from a veteran his principal support prior to entry of such veteran into any of the armed services. It shall include a dependent of a person currently serving in such service and a for-

mer dependent of a deceased veteran and of a person who has died in such service.

"Family" of a veteran shall mean members of the immediate family of such veteran, or of a person currently serving in any of the armed services, or of a person who has died in such service, or of a deceased veteran.

"Council" shall mean the council on veterans' affairs appointed pursuant to this Act.

"Committee" shall mean the county committee of the council on veterans' affairs. [L. 1951, c. 75, s. 2.]

[Sec. 13109.03.] Section 3. **Conditions of membership.** No member during his term of office shall serve as an officer or committee member of any political party organization, or present himself as a candidate for election to any public office. This provision shall be enforced by the governor by the removal of the disqualified member whenever such disqualification shall appear. [L. 1951, c. 75, s. 3.]

[Sec. 13109.04.] Section 4. **Duties of the council.** The council shall be responsible for the conduct or supervision of all activities provided for by this Act and for the formulation and adoption of all policies, rules and regulations for the administration of this Act. [L. 1951, c. 75, s. 4.]

[Sec. 13109.05.] Section 5. **Director and employees.** The council shall have the power to appoint or employ such personnel as may be necessary, including a director who shall serve as the executive administrative officer of the council. The council shall define the powers and duties of the employees constituting such personnel. The director and all employees of the council shall be either veterans, or wives of veterans or widows of deceased veterans, who have not remarried. Employees shall hold their respective positions subject to the pleasure of the council. Employees shall be exempt from civil service requirements, but shall be subject to classification requirements. [L. 1951, c. 75, s. 5.]

[Sec. 13109.06.] Section 6. **Activities of the council.** Except as otherwise provided by law, the council shall:

(1) Maintain or cause to be maintained an agency, which shall be designated as "Veterans' Affairs", under the immediate direction of the director, subject to the control and supervision of the council, which agency shall serve as a center to which veterans, their families and dependents may come for information, counsel, aid and assistance, and by which they may be directed or referred to any agency in the community whose

function it is, by law or otherwise, to provide the services, assistance, or benefits which in each instance appear necessary or appropriate. Agencies to which any referrals may be made shall include, but are not limited to, departments and divisions of the federal and territorial governments, veterans' organizations, and so-called "private" social agencies.

(2) Assume the initiative, in cooperation with other agencies in the community, for coordinating all services now available, and which hereafter may become available, for the use and benefit of veterans, their families and dependents, to the end that maximum effectiveness of such services may be realized and over-lapping and duplication of effort as between agencies may be minimized.

(3) Assemble, analyze, compile and disseminate factual up-to-date information with respect to (a) benefits, rights and services of whatever nature to which veterans, their families and dependents are entitled or which may be available to them, (b) the structure, functions, area of service and other pertinent information regarding each agency and organization participating in the veterans' assistance program in the Territory.

(4) Cooperate with federal departments and other agencies which by law have responsibility for administration of rights and benefits granted by the federal government to veterans, their families and dependents.

(5) As soon as may be after the close of each fiscal year, compile and submit to the governor, for such use or distribution as he may deem appropriate, a comprehensive report of the activities and operations of the council and of all disbursements and expenditures authorized by it hereunder. [L. 1951, c. 75, s. 6.]

[Sec. 13109.07.] **Section 7. County committees.** The council is hereby authorized to appoint voluntary county committees on veterans' affairs in each of the counties of Hawaii, Maui and Kauai, with such members as the council in its discretion may deem appropriate in each instance. One of the council members from each county shall be the chairman of his county committee. To the extent that the council determines such action to be necessary and advisable, one staff assistant may be employed by the council to serve with each county committee. [L. 1951, c. 75, s. 7.]

[Sec. 13109.08.] **Section 8. Transfer of property and funds.** All properties of the territorial council on veterans' affairs and all appropriations heretofore made or which may be made hereafter for it by the twenty-sixth legislature shall be transferred to and be expended by the council on veterans' affairs. [L. 1951, c. 75, s. 8.]

Section 9. Act 150 [Series E-211.] of the Session Laws of Hawaii 1945 is hereby repealed.

Section 10. This Act shall take effect on July 1, 1951, but the members of the council may be appointed at any time prior thereto, which appointments shall take effect on July 1, 1951.

(Approved May 17, 1951.) H.B. 644, Act 75.

Chapter 324. HAWAII DEFENSE ACT.

§§ 13111-38. Pau. L. 1947, Act 20 [E-191].

§ 13139. Expiration date. Am. L. 1947, Act 20 [E-191].

Chapter 327. PACIFIC WAR MEMORIAL COMMISSION.

§§ 13161-66. Pacific war memorial commission. NEW, L. 1949, Act 288 [E-309].

§ 13162. Powers of commission. Am. L. 1951, J. R. 37, *infra*.

Chapter 328. CIVIL DEFENSE AND EMERGENCY ACT.

Series E-253: ACT 268

An Act Relating to the Existing National Emergency; Providing for the Public Peace, Health, Safety and Welfare and for the Common Defense During Such Emergency; Providing for Preparation for and Functioning in Respect of Attacks (Including Sabotage or any Hostile Action) During Such Emergency, and for Other Measures Having to Do With Shortages During Such Emergency and the Maintenance of the Strength, Resources and Economic Life of the Territory and Its Inhabitants During Such Emergency; Providing for the Emergency Organization of Government and Suspension of Laws; Providing the Duties and Powers of the Governor and the Political Subdivisions; Providing for Certain Transactions; Authorizing Charges to Be Made; Authorizing the Governor to Exercise Certain Powers Over Persons and Property, to Prescribe Rules and Regulations, and to Delegate Powers; Prescribing Rights and Immunities; Authorizing Cooperation and Agreements with the Federal Government, State Governments and Other Governments and Agencies; Providing Penalties and Other Means of Enforcement; and Making and Authorizing Appropriations and Expenditures.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The President of the United States having proclaimed, on December 16, 1950, the existence of a national emergency, and having found a grave threat to the peace of the world, and having summoned all citizens to make a united effort for the security and well-being of our country, to eliminate all waste and inefficiency and subordinate all lesser interests to the common good, and to marshal their full moral and material strength for the dangers which threaten the nation; and the President in said proclamation having summoned all state and local leaders and officials to cooperate fully with the military and civilian defense agencies of the United States in the national defense program; and the Territory being a strategic defense area of the United States; and the Congress of the United States having enacted, on January 12, 1951, the Federal Civil Defense Act of 1950, and having therein provided that the responsibility for civil defense shall be vested primarily in the several states and their political subdivisions, and the Territory of Hawaii being, within the meaning of said Act, a state; and the Territory and its political subdivisions, by and under the territorial disaster relief Act enacted by Act 320 of the Session Laws of Hawaii 1949, having made preparations for civil defense; and it being necessary, in the present national emergency, to continue to provide for civil defense but with added powers and further statutory provisions, and also to provide for other emergency functions; now, therefore, the legislature hereby declares its intent that for a period to terminate upon the termination of the existing national emergency, and at all events on June 30, 1955, unless said period shall be extended by the legislature, the territorial disaster relief Act shall be superseded by the civil defense and emergency Act enacted by section 2 hereof. Nothing herein shall be deemed to repeal Act 320 of the Session Laws of Hawaii 1949 relating to disaster relief, and upon the expiration of the civil defense and emergency Act enacted by section 2 hereof, said Act 320 of the Session Laws of Hawaii 1949 shall be and remain in full force and effect.

Section 2. There is hereby added to title 37 of the Revised Laws of Hawaii 1945, a new chapter 328 to read as follows:

"Chapter 328. Civil Defense and Emergency Act

Sec. 13167. Short title. This chapter may be cited as the 'Civil Defense and Emergency Act'. [L. 1951, c. 268, pt. of s. 2.]

Sec. 13168. Policy and purposes. (a) Because of the importance of the Territory as a strategic defense area, the dependence of the Territory upon seaborne commerce for

food supplies and other commodities essential to the public health, safety and welfare and to the economic life of its people, the danger of shortages of such supplies and commodities, and other emergency conditions affecting the readiness of this community to do its part in the existing national emergency which was declared by the President on December 16, 1950, and the possibility of disasters or emergencies of great destructiveness resulting from enemy attack, sabotage or other hostile action, therefore in order to insure that preparations of this Territory and the government provided for this Territory will be adequate to deal with such disasters or emergencies, to make adequate provision against such shortages, to maintain the strength, resources, and economic life of the community and provide for prompt and effective action, as the circumstances develop and in cooperation with the federal government, to further and promote the national defense and civil defense and to protect the public health, safety and welfare, the provisions of this chapter are hereby found and declared to be necessary.

(b) It is further declared to be a purpose of this chapter and a policy of the Territory that all civil defense functions of this Territory be coordinated to the maximum extent with the comparable functions of the federal government including its various departments and agencies, with those of other states and localities, and with those of private agencies of every type, to the end that the most effective preparation and use may be made of all manpower, resources, and facilities for dealing with any disaster that may occur. It further is the intent of the legislature that all other emergency functions be coordinated to the maximum extent with the comparable functions of the federal government, its departments and agencies.

(c) It is declared to be the intent of the legislature to provide for and confer comprehensive powers for the purposes hereinabove stated. This chapter shall be liberally construed to effectuate its purposes, **provided**, that this chapter shall not be construed as conferring any power or permitting any action which is inconsistent with the provisions of the constitution and laws of the United States, but, in so construing this chapter, due consideration shall be given to the circumstances as they exist from time to time. This chapter shall not be deemed to have been amended by any Act hereafter enacted at the same or any other session of the legislature, unless this chapter shall be amended by express reference hereto. [L. 1951, c. 268, pt. of s. 2.]

Sec. 13169. Definitions. When used in this chapter, unless the context otherwise requires:

'Attack' shall mean any attack or series of attacks by an enemy of the United States causing, or which may cause, damage or injury to civilian property or persons in the United States in any manner by the use of bombs, shellfire, or atomic, radiological, chemical, bacteriological, or biological means or other weapons or processes; sabotage; and any form of hostile action;

'Blackout' shall include, but shall not be limited to, the effective screening or extinguishing of lights and lighting devices and appliances;

'Civil defense' shall mean the preparation for and the carrying out of all functions, other than functions for which military forces are primarily responsible, to prevent, minimize, and repair injury and damage resulting, or which would result, from disasters caused by an attack. Such disasters include without limitation those that result from or arise out of action in resisting or combating an attack or apparent attack. Civil defense functions include all those provided for by this chapter which are for the purposes stated in this paragraph and, without limitation, fire fighting services, police services, medical and health services, rescue, engineering, air raid warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken or danger areas, or from security areas established by or under authority of the United States, emergency housing and other emergency welfare services, emergency transportation, protection of important installations, and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation for and carrying out of the foregoing functions. 'Civil defense' shall be deemed to encompass, but not be limited to, all those activities and measures which, by the Federal Civil Defense Act of 1950, are defined to be within the term 'civil defense', in so far as such activities and measures relate to preparation for, or relate to functioning in respect of, an attack upon the Territory of Hawaii, but for the purposes of section 13177 (a) and (c) shall not be deemed to be restricted geographically;

'Civil defense emergency period' shall mean the period of existence of a state of civil defense emergency proclaimed in accordance with the Federal Civil Defense Act of 1950 by the President or the Congress, if so proclaimed on a national basis or for any geographic area that includes the

Territory of Hawaii, and also shall mean any period so proclaimed by the governor, as provided by section 13174;

'Emergency functions' means civil defense powers and functions and all other powers and functions provided for by this chapter;

'Facilities', except as otherwise provided in this Act, shall include buildings and other structures, shelters, land and appurtenant materials;

'Federal Civil Defense Act of 1950' shall mean Public Law 920, 81st Congress, 2d Session, chapter 1228, as the same may be amended or supplemented from time to time;

'Federal program' means a program of the federal government, its departments and agencies, for rationing or conservation of materials, supplies, commodities, equipment or facilities, for assigning priorities with respect thereto, for price control thereof, for wage controls, for the mobilization of manpower, for alien property control or control of trading with the enemy, for the welfare of veterans, for defense production, construction, or transportation, or any program or function of the department of defense or the federal civil defense administration;

'Highways' shall have the meaning of said term as defined by section 6111, and further shall include all public rights of way, whether or not included in said definition;

'Laws' shall include ordinances, and rules, regulations and orders prescribed under laws or ordinances and having the force and effect of law;

'Local organization for civil defense' shall mean an organization created in accordance with the provisions of this chapter to perform civil defense functions in a political subdivision of the Territory;

'Materials' shall include medicines, supplies, products, commodities, articles, equipment, machinery, and component parts;

'Mobile support unit' shall mean an organization for civil defense created in accordance with the provisions of this chapter to be dispatched to supplement local organizations for civil defense in stricken areas;

'Necessary' shall mean and refer to such means, measures, or other actions or determinations as are necessary in the opinion of the governor, or his authorized representative;

'Person' shall include individuals, corporations, partnerships, firms, associations, societies, assemblies, communities, inhabitants of a district or neighborhood, and the public generally;

'Political subdivisions' shall mean the counties of Hawaii, Maui and Kauai, and the city and county of Honolulu;

'Protective device', without prejudice to any other meaning associated with the word, shall include any article or substance used or useful in the protection of persons or property;

'Shelter' without prejudice to any other meaning associated with the word, shall include any structure, excavation or other shelter used or useful in the protection of persons or property;

'States' shall include the several states, the District of Columbia, the Territory of Alaska, and the possessions of the United States, and shall also include, for the purposes of section 13177 (a) and (c), the Territory of Hawaii, and to the extent authorized by or under federal law, foreign countries and their provinces and states;

'Traffic control' shall include plans and regulations for the control of traffic in order to provide for the rapid and safe movements or evacuation over highways of people, troops, or vehicles and materials for civil defense or national defense or for use in any defense industry, and for the movement and cessation of movement of pedestrians and vehicular traffic during, prior to, and subsequent to black-outs, drills, alerts or attacks. [L. 1951, c. 268, pt. of s. 2.]

Sec. 13170. Territorial civil defense agency.

(a) There is hereby created within the executive branch of the territorial government a division of civil defense, hereinafter called the 'civil defense agency', with a director of civil defense, hereinafter called the 'director', who shall be appointed and may be removed in the manner provided by section 80 of the Organic Act, shall hold office for a term of four years and until his successor is appointed and qualified, and shall receive such compensation as the governor shall determine. He may, from funds allotted therefor, employ such technical, clerical, stenographic and other personnel and make such expenditures as may be necessary.

(b) The director, subject to the direction and control of the governor, shall be the executive head of the civil defense agency. He shall coordinate the activities of all organizations for civil defense within the Territory, public or private, and shall maintain liaison with and cooperate with other civil defense agencies as provided in this chapter.

(c) There shall be a vice director of civil defense who shall be appointed and may be removed by the director. He shall be the chief administrative assistant to the director and shall, in the absence of the director, have all the duties

and responsibilities of the director. He shall receive such compensation as shall be provided pursuant to chapter 3. Chapter 2 shall not apply to the vice director.

(d) The director shall, with the approval of the county board of supervisors, appoint for each political subdivision a deputy director who may be removed by the director. Deputy directors shall serve without compensation from the Territory but may receive such compensation as may be provided by the political subdivision pursuant to chapter 3. Chapter 2 shall not apply to deputy directors. They may hold other office or employment in the territorial government, or any political subdivision thereof. Each deputy director, subject to the direction and control of the director, shall be the head of all local organizations for civil defense within the political subdivision for which he is appointed. [L. 1951, c. 268, pt. of s. 2.]

Sec. 13171. Civil defense advisory council. In order to provide a public body with whom the governor may consult and by whom he may be advised in the performance of his duties and in the exercise of his powers in matters pertaining to civil defense, there is hereby created a civil defense advisory council, hereinafter called the 'council' which shall consist of seven members to be appointed by the governor, one of whom shall be designated as chairman. The council on the request of the governor shall confer with and advise him in regard to matters pertaining to civil defense. Members of the council shall receive no compensation, but shall be reimbursed for their travel and other reasonable and necessary expenses incurred. Persons holding public office or employment in the territorial government, or any political subdivision thereof, shall be eligible for appointment to the council. [L. 1951, c. 268, pt. of s. 2.]

Sec. 13172. Powers on whom conferred; delegation of powers. Except as otherwise expressly provided, all of the powers conferred by this chapter are hereby conferred on the governor, who may delegate to agencies, officers, employees, and other persons, or any of them, created, appointed, or employed under, or engaged in carrying out, the provisions of this chapter, or to any government agency, officer or employee, territorial or otherwise, or provide for the subdelegation of, any of such powers, except the power (1) to proclaim a civil defense emergency period or to proclaim such period terminated, or to make any other proclamation provided for by this chapter, (2) to prescribe rules or regulations having the force and effect of law,

and (3) to make allotments of funds appropriated or available for the purposes of this chapter. Until or unless otherwise directed by the governor, all of the powers pertaining to civil defense, hereby authorized to be delegated by the governor, shall be deemed to have been delegated by him to the director, with the further authority to sub-delegate such powers to any agency or person to whom the governor could delegate such powers. [L. 1951, c. 268, pt. of s. 2.]

Sec. 13173. Civil defense powers, in general. The governor is hereby authorized and empowered:

(a) Plans and programs. To prepare comprehensive plans and programs for the civil defense of this Territory, such plans and programs to be integrated into and coordinated with the civil defense plans of the federal government and of other states to the fullest possible extent, and to coordinate the preparation of plans and programs for civil defense by the political subdivisions of this Territory, such plans to be integrated into and coordinated with the civil defense plans and programs of this Territory to the fullest possible extent.

(b) Training; public information. To institute training programs and public information programs.

(c) Direct operational control, when. In the event of disaster or emergency beyond local control, or which in the opinion of the governor is such as to make territorial operational control necessary, to assume direct operational control over all or any part of the civil defense functions within this Territory.

(d) Insignia. To provide or authorize suitable insignia of authority for all authorized personnel.

(e) Registration and blood typing. To provide for (1) compulsory registration and identification to the extent that voluntary registration and identification shall not have been accomplished under chapter 23.01; and (2) compulsory RHo blood typing on females of child bearing age or younger, and such other compulsory blood typing as may be approved by competent medical authority.

(f) Protection of facilities. To require each public utility, or any person owning, controlling, or operating a vital facility, to protect and safeguard its or his property, or to provide for such protection and safeguarding; and to provide for the protection and safeguarding of any and all public properties, or such other properties as the governor

may deem advisable; **provided** that, without prejudice to the generality of the foregoing two clauses, such protection and safeguarding may include the regulation or prohibition of public entry thereon, or the permission of such entry upon such terms and conditions as he may prescribe.

(g) Explosives, etc. Whenever in his opinion the laws of the Territory do not adequately provide for the common defense, public health, safety and welfare, to investigate, regulate or prohibit the storage, transportation, use, possession, maintenance, furnishing, sale, or distribution of, as well as any transaction related to, explosives, firearms, and ammunition (including the power to require the re-registration of firearms), inflammable materials, and other objects, implements, substances, businesses, or services of a hazardous or dangerous character, or particularly capable of misuse by disloyal persons or the enemy, or obstructive of or tending to obstruct military operations or civil defense, including, without limitation, intoxicating liquor and the liquor business; and to authorize the seizure and forfeiture of any such objects, implements, or substances unlawfully possessed, as provided in section 13191.

(h) Air raid drills, etc. To direct or control, as may be necessary for civil defense, (1) air raid drills, and other alerts, tests and exercises, (2) blackouts and practice blackouts, (3) partial or full mobilization of civil defense organizations in advance of actual disaster, (4) warnings and signals for drills, alerts or attacks and the mechanical devices to be used in connection therewith, (5) shutting off water mains, gas mains, electric power connections or suspension of other services, and to the extent permitted by or under federal law, suspension of radio transmission, (6) the conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic during, prior to, and subsequent to blackouts, drills, alerts or attacks, (7) traffic control, (8) the congregation of the public in stricken or danger areas or under dangerous conditions, and (9) the evacuation and reception of the civilian population, **provided**, that only during a civil defense emergency period shall there be instituted under this paragraph mandatory or prohibitory requirements having the force and effect of law. [L. 1951, c. 268, pt. of s. 2.]

Sec. 13174. Civil defense emergency period. The term 'civil defense emergency period' shall include (a) a period of civil defense emergency proclaimed pursuant to the Federal Civil Defense Act of 1950, or (b) the period of the existence of a state of civil defense emergency in the Ter-

ritory of Hawaii, hereby authorized to be proclaimed by the governor if he finds that an attack upon the Territory of Hawaii has occurred or that there is danger or threat thereof, or that there has arisen any state of affairs or circumstances of such a grave nature as to affect the common defense or the readiness of the community to meet an attack and which requires the invocation of provisions of this chapter that are effective only during a period of civil defense emergency. The governor shall be the sole judge of the existence of such danger, threat, state of affairs or circumstances. A period of civil defense emergency proclaimed pursuant to the Federal Civil Defense Act of 1950 shall terminate as therein provided, and a period of civil defense emergency proclaimed by the governor shall terminate upon proclamation by the governor. [L. 1951, c. 268, pt. of s. 2.]

Sec. 13175. Additional powers in a civil defense emergency period. The governor is hereby authorized in the event of a civil defense emergency period to exercise the following additional powers pertaining to civil defense:

(a) Protective devices, shelters, first aid stations. (1) To require that persons provide themselves with protective devices, (2) to require the installation or provision of protective devices and shelters in or appurtenant to dwellings, hotels, factories and other places of business, office buildings, hospitals, schools, and theaters and other places where the public congregate, and (3) to require the installation or provision of first aid stations with the necessary materials and personnel in or appurtenant to hotels, factories and other places of business, office buildings, schools, and theaters and other places where the public congregate.

(b) Quarantine, immunization, etc., nuisances. To provide for and require the quarantine or segregation of persons who are affected with any infectious, communicable or other disease dangerous to the public health and safety, or persons who are the source of other contamination, in any case where in his opinion the existing laws are not adequate to assure the public health and safety; to provide for the care and treatment of such persons; to supplement the provisions of sections 2331-2338 concerning compulsory immunization of persons against disease and to institute additional compulsory immunization programs; to provide for the isolation or closing of property which is a source of contamination or is in a dangerous condition in any case where, in his opinion, the existing laws are not adequate

to assure the public health and safety, and to designate as public nuisances acts, practices, conduct or conditions which are dangerous to the public health or safety or to property; to authorize that public nuisances be summarily abated, and if need be that the property be destroyed, by any police officer or authorized person, or to provide for the cleansing or repair of such property, and if such cleansing or repair is to be at the expense of the owner the procedure therefor shall follow as nearly as may be the provisions of section 2702, which are hereby made applicable; further, to authorize, without the permission of the owners or occupants, entry on private premises for any or all of such purposes.

(c) Police and fire departments. To summarily remove or suspend, any other law to the contrary notwithstanding, any member of a police commission, chief of police, chief of a fire department, sheriff, deputy sheriff, police officer, or fireman.

(d) Suspension of laws. To suspend any law which impedes or tends to impede or be detrimental to the expeditious and efficient execution of, or to conflict with, civil defense or other emergency functions, including without limitation, laws which by this chapter specifically are made applicable to civil defense personnel. [L. 1951, c. 268, pt. of s. 2.]

Sec. 13176. Emergency functions. The governor shall have the following further emergency functions and powers, irrespective of the existence of a civil defense emergency period:

(a) Prevention of hoarding, waste, etc. To the extent necessary to prevent hoarding, waste, or destruction of materials, supplies, commodities, accommodations, facilities, and services, to effectuate equitable distribution thereof, or to establish priorities therein as the public welfare may require—to investigate, and any other law to the contrary notwithstanding to regulate or prohibit, by means of licensing, rationing or otherwise, the storage, transportation, use, possession, maintenance, furnishing, sale or distribution thereof, and any business or any transaction related thereto.

(b) Daylight saving time. To provide for greater productive effort by instituting daylight saving time.

(c) Hours of business. To suspend any law, or provision having the force and effect of law, as to opening and closing hours of business and substitute other hours.

(d) Continuity of service. To assure the continuity of service by public utilities and other vital facilities, both publicly and privately owned, by regulating or, if necessary

to the continuation of the service thereof, by taking over and operating the same.

(e) Further provisions for greater productive effort. To fix or revise the hours of government business, and to suspend the provisions of section 21 relating to territorial holidays, except the last two paragraphs of said section 1 which shall remain unaffected, and in the event of such suspension the governor may establish territorial holidays by proclamation thereof.

(f) Election hours. To adjust the hours for voting to take into consideration the working hours of the voters during the national emergency and other emergency conditions, and for such purpose to suspend those provisions of sections 213 and 273 which fix the hours for voting, and fix other hours by stating the same in the election proclamation or notice, as the case may be.

(g) Furtherance of federal programs. To further and promote federal programs by making rules and regulations adopting and giving the force and effect of territorial law to federal laws, rules, regulations and orders whenever the governor shall find that the same serve the purposes of this chapter, including, without limitation, federal price control and wage control measures; and also to further and promote federal programs by suspending laws that impede the same, by prescribing for any license, permit, registration or certificate, additional requirements that serve as a means of enforcing, or checking on the enforcement, of a federal law, rule, regulation, or order, and by transferring to the federal government at its request the territorial employment service with its personnel, records, facilities, equipment and supplies, and making similar requested transfers of other services when the governor shall find that the most effective functioning of such services will result therefrom. Nothing in this subsection shall be deemed to be in limitation of any of the powers conferred upon the governor by this chapter.

(h) Relief of hardships, inequities, etc. To relieve hardships and inequities, or obstructions to the public health, safety, or welfare, found by the governor to exist in the laws and to result from the operation of federal programs, or measures taken under this chapter, by suspending such laws, in whole or in part, or by alleviating the provisions of such laws on such terms and conditions as he may impose, including, without limitation, licensing laws, quarantine laws, and laws relating to labels, grades and standards. [L. 1951, c. 268, pt. of s. 2.]

Sec. 13177. Other powers. The governor further is authorized and empowered, irrespective of the existence of a civil defense emergency period:

(a) Cooperation with federal agencies in civil defense matters, etc. To cooperate with the President and the heads of the armed forces, and the civil defense agency of the United States, and with the officers and agencies of other states in matters pertaining to the civil defense of the Territory and nation and the incidents thereof, and to take any measures which he may deem proper to carry into effect any request of the President or the appropriate federal officers and agencies, for any action looking to civil defense.

(b) Lend-lease. To lease, lend, or otherwise furnish, on such terms and conditions as he may deem necessary to promote the public welfare and protect the interest of the Territory, any real or personal property of the territorial government or its political subdivisions, to the President, the heads of the armed forces, or to the civil defense agency of the United States.

(c) Agreements with the federal government and other states. On behalf of the Territory to enter into mutual aid agreements or compacts with the federal government and with other states. Such agreements or compacts shall be limited to civil defense. It may be provided in an interstate compact, and the governor with the advice and consent of the political subdivisions included within the scope of such compact, hereby is authorized to agree on behalf of the Territory that:

1. Each party state shall extend to the civil defense forces of any other party state, while operating within its state limits under the terms and conditions of such compact, the same powers (except that of arrest unless specifically authorized by the receiving state), duties, rights, privileges and immunities as if they were performing their duties in the state in which normally employed or rendering services.

2. Whenever any person holds a license, certificate or other permit issued by any state evidencing the meeting of qualifications for professional, mechanical or other skills, such person may render aid involving such skill in any party state to meet an emergency or disaster and such state shall give due recognition to such license, certificate or other permit as if issued in the state in which aid is rendered.

3. No party state or its officers or employees rendering aid in another state pursuant to such compact shall be liable on account of any act or omission on the part of

such forces while so engaged, or on account of the maintenance or use of any materials, equipment, supplies or facilities in connection therewith.

4. As an alternative to paragraph 3, such other or modified form of immunity as the governor may find acceptable.

5. Each party state shall provide for the payment of compensation and death benefits to injured members of the civil defense forces of that state and the representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to such compact, in the same manner and on the same terms as if the injury or death were sustained within such state.

6. Any party state rendering aid in another state pursuant to such compact shall be reimbursed by the party state receiving such aid, or by the United States government under plans approved by it, for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for all costs incurred in connection with requests for aid; **provided**, that this paragraph shall not be deemed to preclude the Territory, if it is the aiding state, from assuming in whole or in part such loss, damage, expense, or other cost, or from loaning such equipment or donating such services to the receiving party state without charge or cost.

7. Any party state receiving evacuees shall be reimbursed generally for the out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care and like items; such expenditures shall be reimbursed by the party state of which the evacuees are residents, or by the United States government under plans approved by it.

8. In the event of an evacuation, the party state of which the evacuees are residents shall, after the termination of the emergency or disaster, assume the responsibility for the ultimate support or repatriation of such evacuees.

(d) Other mutual aid. To sponsor and develop mutual aid plans and agreements for civil defense between the political subdivisions of the Territory, and between one or more political subdivisions and other public or private agencies, for the furnishing or exchange of food, clothing, medicine, and other materials; engineering services; emergency housing; police services; health, medical and related services; fire fighting, rescue, transportation, and construction services and facilities; personnel necessary to provide or conduct these services; and such other materials, facilities, personnel, and services as may be needed. Such mutual aid plans and agreements may be made with or without pro-

visions for reimbursement of costs and expenses, and on such terms and conditions as are deemed necessary.

(e) Control and utilization of government agencies. To order and direct government agencies, officers and employees, territorial or local, to take such action and employ such measures for law enforcement, medical, health, fire fighting, traffic control, warnings and signals, engineering, rescue, construction, emergency housing and other welfare, hospitalization, transportation, water supply, public information, training, and other civil defense and emergency functions as may be necessary, and to utilize the services, materials, and facilities of such agencies and officers. All such agencies and officers shall cooperate with and extend their services, materials, and facilities to the governor as he may request.

(f) Utilization of public property. To take possession of, use, manage, control, and reallocate any public property, territorial or county, real or personal, required by him for the purposes of this chapter, including, without limitation, airports, parks, playgrounds, and schools and other public buildings. Whenever such property is so taken the governor shall have power to make such provision for the temporary accommodation of the government service affected thereby as he may deem advisable. Like provisions may be made at any time whenever it is necessary to relocate any government service because of any emergency condition.

(g) Utilization of existing private agencies. To utilize all services, materials and facilities of non-governmental agencies, relief organizations, community associations and other civic groups and private agencies that may be made available.

(h) Contributions. To receive, expend, or use contributions or grants in money, property, or services, or loans of property, or special contributions or grants in money, property, or services, or loans of property, for special purposes provided for by this chapter; to establish funds in the treasury for the deposit and expenditure of such moneys; to procure federal aid as the same may be available, and to apply the provisions of chapter 10 in cases of federal aid even though not in the form of money. Such contributions or grants are hereby appropriated for the purposes of this chapter, or for such special purposes.

(i) Maintenance and insurance of public property; restoration of vital facilities. To provide for the repair and maintenance of public property, whenever adequate provision therefor is not otherwise made, to insure such

property against any war risk, including without limitation damage or loss resulting from or arising out of an attack or action in resisting or combating an attack or apparent attack, to provide for the restoration, renovation, replacement or reconstruction of such insured property in the event of such damage or loss, and to make temporary restoration of public utilities and other vital facilities in the event of an attack or other disaster.

(j) Procurement, etc. To purchase, make, produce, construct, rent, lease, or procure by condemnation or otherwise, transport, store, install, maintain, and insure, repair, renovate, restore, replace, or reconstruct, and distribute, furnish, or otherwise dispose of, with or without charges therefor, materials and facilities for civil defense and other emergency functions; to procure federal aid therefor whenever feasible; and to take any and all measures whatsoever which may, in his opinion, secure, stimulate or increase similar activities by private or public persons or organizations. The provisions of sections 351-363, 462-464.03, 7604, and 8768 shall not apply to any civil defense or other emergency functions if and to the extent that the governor shall find that such provisions, in whole or in part, impede or tend to impede the expeditious discharge of such functions, or that compliance therewith is impracticable due to existing conditions. In cases of extreme urgency during a civil defense emergency period the governor may suspend the penal provisions of sections 371 and 6006, save and except those provisions that concern falsification.

(k) Personnel. To appoint, employ, train, equip, and maintain, with compensation, or on a volunteer basis without compensation and without regard to chapters 2, 3, 12, 15, and section 451, such agencies, officers, and other persons as he deems necessary to carry out the provisions of this chapter; to determine to what extent any law prohibiting the holding of more than one office or employment shall apply to such agencies, officers, and other persons; and subject to section 13181, to provide for and effect the interchange of personnel, by detail, transfer or otherwise, between the Territory and any political subdivision, or any political subdivision and the Territory, or between any agencies or departments of the Territory.

(1) Charges. To make charges in such cases and in such amounts as he deems advisable, for any property sold, work performed, services rendered, or accommodations or facilities furnished by the government under this chapter; and to make charges for licenses or permits to cover administrative expense connected therewith.

(m) Contracts. To make such contracts as may be necessary to carry out the provisions of this chapter.

(n) Accounting. To establish special accounting forms and practices whenever necessary.

(o) Other powers. To take any and all steps necessary or appropriate to carry out the purposes of this chapter and to provide for civil defense and other emergency functions.

(p) Powers under this chapter to be deemed additional. The powers and authority conferred upon the governor by this chapter shall be in addition to any other powers or authority conferred upon him by the laws of the United States and of the Territory for the same or a like purpose, and shall not be construed as abrogating, limiting or modifying any such powers, or authority. [L. 1951, c. 268, pt. of s. 2.]

Sec. 13178. Allotments, etc. (a) There shall be available for allotment by the governor under this chapter: (1) Any moneys appropriated for the purposes of this chapter, or reappropriated pursuant to paragraph (b) of this section, and any unexpended moneys appropriated for disaster relief or administration thereof by Act 320 of the Session Laws of Hawaii 1949, Act 3 of the Special Session Laws of Hawaii 1950 or any other Act, but only within the scope and purposes of the appropriations so made by the legislature, **provided** that in the event of a civil defense emergency period the appropriation made by said Act 3 of the Special Session Laws of Hawaii 1950 may be expended in preparation for an attack as well as in the event of an attack; (2) any unexpended moneys appropriated for the purposes of Act 21 of the Special Session Laws of Hawaii 1949, relating to making available necessary commodities in an emergency, or reappropriated pursuant to said Act; (3) contributions, as provided by section 13177; (4) the governor's contingent fund.

(b) Any sums realized under the provisions of this chapter from the sale of property by the Territory, or from work done, services rendered, or accommodations or facilities furnished by the Territory, or from insurance against damage or loss of property the premiums for which have been paid by the Territory under this chapter, are hereby reappropriated for the purposes of this chapter and may be expended or allotted in the same manner as other appropriations made by or available for the purposes of this chapter.

(c) The governor may allot any moneys appropriated or available for the purposes of this chapter, to any agency, officer, or employee, created, appointed or employed under the provisions of this chapter, or to any government agency, officer or employee, territorial or county, to whom powers or duties have been delegated pursuant to this chapter, to be expended in carrying out the provisions of this chapter or Act 21 of the Special Session Laws of Hawaii 1949, and in the case of county agencies, officers or employees, to order such allotment paid over to be held, disbursed and accounted for as other county funds or as the governor shall provide.

(d) In the event of a deficit in the general fund of the Territory, any appropriation made or available for the purposes of this chapter and needed for allotment under this chapter shall take priority over other appropriations from the general fund.

(e) Any appropriation made or available for the purposes of this chapter may be expended notwithstanding the existence of a specific or other appropriation for the same or a like purpose, and without prejudice to the expenditure of such other appropriation. The powers granted by this section shall be in addition to, and not restrictive of, the powers granted by any other section.

(f) Any order by the governor made pursuant to this section may be amended or revoked. [L. 1951, c. 268, pt. of s. 2.]

Sec. 13179. Local organizations for civil defense; power and authority of political subdivisions. (a) Local organizations. Each political subdivision is hereby authorized and directed to establish local organizations for civil defense in accordance with the territorial civil defense plans and programs. The deputy director for such political subdivision shall have direct responsibility for the organization, administration and operation of such local organizations for civil defense, subject to the direction and control of the governor and director, and subject to the assumption of direct operational control by the governor or the director as provided in this chapter. Each local organization for civil defense shall perform civil defense functions within the territorial limits of the political subdivision within which it is organized, and, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provisions of this chapter.

(b) Each political subdivision shall have the power and authority:

(1) Deputy director's staff. To provide, for the deputy director of such political subdivision, an assistant or assistants whose appointment shall be approved by the director, and such technical, clerical, stenographic and other personnel, office space, furniture, equipment, supplies and funds as may be necessary to carry out the purposes of this chapter. Chapter 2 shall not apply to the deputy director or his first assistant.

(2) Appropriations, etc. To make appropriations and authorize expenditures for the purposes of this chapter, including the power to place under the control of the governor, for expenditure as matching funds for federal aid, or for any purpose within the powers of the governor, moneys appropriated by it; to make such appropriations and authorize such expenditures for the purposes of this chapter out of the normal revenues or fund balances or surpluses of such political subdivision, notwithstanding any legal restrictions upon the purposes for which such funds may be expended, save and except that pension and retirement funds, funds set aside for the redemption of bonds or the payment of interest thereon, trust funds, loan funds, and funds received from the federal government or from any person for specific purposes shall not be affected hereby.

(3) Procurement, etc. To purchase, make, produce, construct, rent, lease, or procure by condemnation or otherwise, transport, store, install, maintain, and insure, repair, renovate, restore, replace, or reconstruct, and distribute, furnish, or otherwise dispose of, with or without charges therefor, materials and facilities for civil defense; and to procure federal aid therefor whenever feasible. The provisions of sections 351-363, 462-464.03, 7604, and 8768 shall not apply to any civil defense functions if and to the extent that the mayor or chairman of the board of supervisors, as the case may be, shall find that such provisions, in whole or in part, impede or tend to impede the expeditious discharge of such functions, or that compliance therewith is impracticable due to existing conditions.

(4) Personnel. To provide for the appointment, employment, training, equipping, and maintenance, with compensation, or on a volunteer basis without compensation and without regard to chapters 2, 3, 12, 15, the pension laws, and section 451, of such agencies, officers, and other persons as it deems necessary to carry out the provisions of this chapter; to determine to what extent any law prohibiting the

holding of more than one office or employment shall apply to such agencies, officers, and other persons; and subject to section 13181, to provide for the interchange of personnel, by detail, transfer or otherwise, between agencies or departments of the political subdivision, or between political subdivisions.

(5) Contributions. To receive, expend, or use contributions or grants in money, property, or services, or loans of property, or special contributions or grants in money, property or services, or loans of property, for special purposes provided for by this chapter.

(6) Charges. To make charges in such cases and in such amounts as it deems advisable, for any property sold, work performed, services rendered, or accommodations or facilities furnished by the political subdivision under this chapter.

(7) Contracts. To make or authorize such contracts as may be necessary to carry out the provisions of this chapter.

(8) Mutual aid plans. To participate in and carry out mutual aid plans and agreements or compacts, sponsored or developed by the territorial civil defense agency. [L. 1951, c. 268, pt. of s. 2.]

Sec. 13180. Mobile support units. (a) The governor is authorized to create and establish mobile support units for the reinforcement of civil defense organizations in stricken areas and with due consideration of the plans of the federal government. He shall appoint a commander for each such unit who shall have primary responsibility for the organization, administration, and operation of such unit. Mobile support units shall be called to duty upon orders of the governor and shall perform their functions in any part of the Territory.

(b) All personnel of mobile support units shall, while on duty, be subject to the operational control of the authority in charge of civil defense activities in the area in which they are serving, and, in addition to any other compensation to which they may be entitled, shall be reimbursed for their travel and other reasonable and necessary expenses. [L. 1951, c. 268, pt. of s. 2.]

Sec. 13181. Status of regular government employees. If any government officer or employee, territorial or county, shall be engaged in carrying out the provisions of this chapter in lieu of his regular office or employment, the amount of his compensation shall not be adversely affected thereby, and his rights in or under the laws relating to vacations and

leaves, the retirement system, civil service or the like, shall not be adversely affected. [L. 1951, c. 268, pt. of s. 2.]

Sec. 13182. Status of personnel other than regular officers and employees. All persons including volunteers whose services have been accepted by authorized persons, shall, while engaged in the performance of duty pursuant to this chapter, including duty performed during periods of training, be deemed territorial employees or employees of a political subdivision, as the case may be, and shall have the powers, duties, rights and privileges of such in the performance of their duties, except as, pursuant to this chapter, may be prescribed by or under the authority of the governor or the political subdivision; **provided**, that volunteers serving without compensation shall be subject to chapter 13 only if and to the extent that the governor shall so provide. [L. 1951, c. 268, pt. of s. 2.]

Sec. 13183. Rights under chapter 77. In case of injury or death arising out of and in the performance of duty pursuant to this chapter, including duty performed during periods of training, all persons having the status of officers or employees of the Territory or a political subdivision, pursuant to *section 13181 and 13182, and their dependents, shall be entitled to all of the benefits provided in chapter 77, as amended, including medical services and supplies, and in case of such injury or death no such public official shall be excluded from the coverage of chapter 77 by reason of being an elected official. For the purposes of such benefits, average weekly wages shall be computed upon the basis set forth in section 4419, or upon the basis of earnings from the usual employment of such person, or upon the basis of earnings at the rate of twenty dollars per week, whichever is most favorable to the claimant or claimants. The cost thereof, in cases of territorial employees, shall be a charge upon the territorial insurance fund; **provided**, that the governor is hereby authorized and empowered to effect such insurance in respect of the obligations assumed pursuant to this section and section 13177(c) as may be available under any Act of Congress. Nothing herein contained shall adversely affect the right of any person to receive any benefits or compensation under any Act of Congress. [L. 1951, c. 268, pt. of s. 2.]

Sec. 13184. Immunities; rights. Neither the Territory nor any political subdivision of the Territory, nor, except in cases of wilful misconduct, the persons engaged in civil defense functions pursuant to this chapter (including volunteers

* Sic.

whose services are accepted by any authorized person), shall be liable for the death of or injury to persons, or for damage to property, as a result of any act or omission in the course of such employment or duties, and no such act or omission shall be imputed to the owner of any vehicle by reason of his ownership thereof; **provided**, however, that nothing herein contained shall preclude recovery by any person for injury or damage sustained from the operation of any vehicle which may be insured under the provisions of section 5874 to the extent of such insurance, and unless specifically so provided insurance effected under the provisions of section 5874 shall not include coverage of such risk during a civil defense emergency period. The governor is hereby authorized to insure vehicles owned by the Territory or in the custody and use of the civil defense agency, but insurance effected under the provisions of section 5874 on vehicles used for purposes other than civil defense need not necessarily include coverage of the insured vehicle against the risk incurred or which would be incurred under this chapter as a result of the use of the insured vehicle for civil defense. [L. 1951, c. 268, pt. of s. 2.]

Sec. 13185. Political activity prohibited. No organization for civil defense established under the authority of this chapter shall participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes. [L. 1951, c. 268, pt. of s. 2.]

Sec. 13186. Civil defense personnel's oath. In order to comply with the Federal Civil Defense Act of 1950 it is hereby provided that each person appointed to serve in an organization for civil defense who is so required by said Federal Civil Defense Act of 1950, shall, before entering upon his duties, take an oath in writing before a person authorized to administer oaths, which oath shall be substantially as follows:

'I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

And I do further swear (or affirm) that I do not advocate, nor am I a member or an affiliate of any organization, group, or combination of persons that advocates the overthrow of the Government of the United States by force or violence; and that during such time as I am a member of the

(name of civil defense organization), I will not advocate nor become a member or an affiliate of any organization, group, or combination of persons that advocates the overthrow of the Government of the United States by force or violence.'

Provided, that to the extent permitted by said Federal Civil Defense Act of 1950 the governor by rule may provide for additional time for the taking of said oath, in cases where compliance with such requirement before the person so required enters upon his duties is or may be impracticable; for like reasons the governor similarly may provide as to the oath required by chapter 13.

The governor by rule may relieve persons, or classes of persons, subject to the requirements imposed by this section, from compliance with chapter 13. [L. 1951, c. 268, pt. of s. 2.]

Sec. 13187. Requisitions; damages. The governor is authorized to requisition and take over any materials, facilities, real property or improvements, required for the purposes of this chapter, or to requisition and take over the temporary use thereof. Such requisition shall be made by serving notice thereof, which notice may be served upon any person found in occupation of the premises or having the property in his custody, possession or control; **provided**, that a like notice shall also be served upon any person who has filed with the governor, or with such person as he may designate for the purpose, a request for notice with respect to such property; **provided**, further, that whenever all persons entitled to compensation for such property have not been served in the manner aforesaid, the governor shall publish a notice of such requisition at the earliest practicable date.

Whenever the governor shall requisition and take over any property or the temporary use thereof, as in this section provided, the owner thereof, or other person entitled thereto, shall be paid as compensation for such property or use such sum as the governor shall determine to be fair and just, within twenty days after the same has been requisitioned and taken, **provided**, that such compensation for such temporary use may be paid in monthly or lesser installments. If any such person is unwilling to accept, as full and complete compensation for such property or use, the sum so determined by the governor, such person shall be paid seventy-five per centum of the sum so determined by the governor, and shall be entitled to sue the Territory for such additional sum as, when added to the sum already received by such person, such person may consider fair and just compensation for such

property or use, in the manner provided by chapter 220; **provided**, that such suit shall be instituted within two years after such requisition in the case of the taking of real property in fee simple, or within one year after such requisition in all other cases, subject, however, to the provisions of sections 10430-10433 which are hereby made applicable to such a suit, save that no more than six months shall be allowed for the bringing of such a suit after the appointment of a guardian of the property of the person under disability or the removal of such disability, or after the appointment of executors or administrators, as the case may be; **provided**, further, that recovery shall be confined to the fair market value of such property or the fair rental value thereof, as the case may be, without any allowance for prospective profits, punitive or other damages. Whenever the owner of property, or other person entitled to compensation on account of the requisitioning of property or the use thereof, is under a disability, or has died, and no guardian, executor or administrator has been appointed, the Territory, acting by and through the attorney general, may apply for the appointment of a guardian of the property of such person, or for the appointment of an administrator.

The governor shall appoint a board of three disinterested appraisers with whom may be filed any claim for damages arising out of any failure to return private property the temporary use of which was requisitioned, or which was leased, or any claim for damages arising out of the condition in which such private property is returned, **provided**, however, that no such claim shall be filed for deterioration of property resulting from ordinary wear and tear, nor for any deterioration or damage except such as shall be shown to have resulted from the taking or use of such property. Such claim shall be filed within thirty days after the return of the property or after the governor shall proclaim that all private property has been returned to the owners, whichever is earlier. The decision of such appraisers shall be final and binding upon both the governor and the claimant, **provided**, that either party may file a petition in the circuit court within sixty days after the rendering of such decision of the board, praying for the decision of the court upon such claim. Such petition, if filed by the government, shall be entitled in the name of the Territory, by the attorney general, and shall be heard and decided by the circuit court without the intervention of a jury. If filed by any other party, such petition shall be filed, heard and decided in the manner provided for suits against the Territory. A further review by the supreme court may be had in the manner provided by

law in such cases. The court may order the joinder of other parties, or may allow other parties to intervene. Any award which has become final shall be paid out of any funds available under this chapter, and if not sufficient, out of the general revenues of the Territory not otherwise appropriated. [L. 1951, c. 268, pt. of s. 2.]

Sec. 13188. Investigations and surveys. The governor shall have power to make investigations and surveys for the purpose of ascertaining facts to be used in administering this chapter, and in making such investigations and surveys to require the making or filing of schedules or statements, under oath or otherwise, to administer oaths, take evidence under oath, subpoena witnesses, make inspections, and require the production of books, papers and records. The circuit court of any circuit or judge thereof, shall have power to enforce by proper proceedings the making or filing of such schedules or statements, the attendance and testimony of any witness subpoenaed to appear within the circuit, or the production of such books, papers and records. Such proceedings shall be in addition to, and not exclusive of, any other means or methods of enforcement.

No person shall be excused from attending and testifying, or from producing books, papers or records before the governor or in obedience to the subpoena of the governor, or in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of this chapter or any rule, regulation, or order thereunder, on the ground, or for the reason, that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

Witnesses shall be allowed their fees and mileage as in cases in the circuit courts. [L. 1951, c. 268, pt. of s. 2.]

Sec. 13189. Proclamations, how made; service of papers. Every proclamation of the governor for which provision is made by this chapter, shall be promulgated by publication thereof, or when immediate promulgation is necessary in the opinion of the governor, who shall be the sole judge thereof, by official announcement thereof by means of radio broadcast or such other means as may be available.

Any process, notice, or order, service of which is provided for by this chapter, may be served by any police officer or person thereto authorized by the governor, any other provision of law to the contrary notwithstanding. [L. 1951, c. 268, pt. of s. 2.]

Sec. 13190. Rules, regulations, and orders. For the purpose of carrying out any provision of this chapter, the governor shall have power to prescribe rules and regulations, which may, if so stated in said rule or regulation, have the force and effect of law. Even though such rules and regulations are prescribed pursuant to a power conferred, or having mandatory or prohibitory effect, only in the event of a civil defense emergency period, such rules and regulations nevertheless may be prescribed prior thereto if stated therein to have the force and effect of law only in the event of such civil defense emergency period. All such rules and regulations, and likewise all other action taken under this chapter, shall be made and taken with due consideration of the orders, rules, regulations, actions, recommendations, and requests of federal authorities relevant thereto. In such rules and regulations reasonable classifications, exceptions and exemptions may be made and granted.

The provisions of section 466 requiring public hearings shall apply to those rules and regulations of the governor that are prescribed prior to a civil defense emergency period but not otherwise; **provided**, that notwithstanding the provisions of section 13173, the public hearings on such rules and regulations, when so required to be held, may, at the governor's discretion, be held by such person as the governor may thereunto authorize, who shall make a report thereon to the governor.

The power to prescribe rules and regulations having the force and effect of law shall not be deemed in derogation of the power of the governor, or his duly authorized representatives, to make orders for the enforcement of this chapter or the rules and regulations issued thereunder. Such rules and regulations may provide for the making of administrative findings by duly authorized representatives, or for the application of such rules or regulations by such representatives as the circumstances may require, and the issuance of orders therefor.

Rules and regulations prescribed pursuant to the provisions of this chapter shall be promulgated as herein provided, and may be made effective upon such promulgation, in lieu of the provisions of section 466 relating thereto. Such rules and regulations shall be promulgated by pub-

lishing the same in a newspaper of general circulation in the Territory, or, where only known persons are concerned, the same may be promulgated by service upon such persons by registered mail, or by personal service thereof; **provided**, that when immediate promulgation of such rules or regulations is necessary in the opinion of the governor, who shall be the sole judge thereof, in lieu of publication the same may be promulgated by radio broadcast or such other means as may be available, **provided**, further, that such rules or regulations shall be published thereafter, as hereinbefore provided, at the earliest practicable date. [L. 1951, c. 268, pt. of s. 2.]

Sec. 13191. Forfeitures. The forfeiture of any property unlawfully possessed, pursuant to paragraph (b) of section 13175, may be adjudged upon conviction of the offender found to be unlawfully in possession of the same, where no person other than the offender is entitled to notice and hearing with respect to the forfeiture, or such forfeiture may be enforced by an appropriate civil proceeding brought in the name of the Territory. The district courts and circuit courts shall have concurrent jurisdiction of such civil proceedings. Any property forfeited as provided in this section may be ordered destroyed, or may be ordered delivered for public use to such agency as shall be designated by the governor or his representative, or may be ordered sold, wholly or partially, for the account of the Territory. [L. 1951, c. 268, pt. of s. 2.]

Sec. 13192. Preliminary or interlocutory injunctions and temporary restraining orders. Any provision of law to the contrary notwithstanding, no preliminary or interlocutory injunction, or temporary restraining order, suspending, enjoining, or restraining the enforcement, operation, or execution of, or setting aside, in whole or in part, on the ground of unconstitutionality or for any other reason or reasons, any provision of this chapter or any proclamation, order, rule or regulation prescribed, made or issued under the authority of this chapter, shall be issued or granted by any court of the Territory, or by any judge thereof, unless the application for the same shall be presented to a circuit judge, and shall be heard and determined by the said circuit judge sitting with two other circuit judges, and unless a majority of such judges shall concur in granting such application. When such application as aforesaid is presented to a judge, he shall immediately notify the chief justice of the supreme court of the Territory, or in the event of his absence or in-

capacity or a vacancy in said office the senior associate justice, who shall forthwith assign two other circuit judges to sit with said circuit judge in hearing and determining such application. Said application shall not be heard or determined before at least five days' notice of the hearing has been given to the governor, to the attorney general, and to such other persons as may be defendants or respondents in the suits; **provided**, that in cases where immediate irreparable damage would otherwise ensue to the petitioner, the circuit judge to whom the application is made may, after giving notice to the governor and the attorney general and allowing them an opportunity to appear, grant a temporary stay or suspension, in whole or in part, of the operation of such statutory provision, proclamation, order, rule or regulation, such stay or suspension to remain in force only until the hearing and determination of the application for a preliminary or interlocutory injunction and in any event for not more than ten days from the date of the order of said judge, **provided**, further, that if the two additional circuit judges shall have been assigned to the case, no such temporary stay or suspension shall be ordered unless a majority of the three circuit judges shall concur therein. In a case of such stay or suspension, the order of said judge or judges shall contain a finding or findings, based upon evidence submitted to said judge or judges and incorporated in said order by reference thereto, that such irreparable damage would result to the petitioner, and specifying the nature of such damage and why it is immediate and irreparable. The three circuit judges assigned to sit in the case may, upon a like finding, and for good cause shown, appearing from reasons entered of record, continue the temporary stay or suspension for an additional ten day period, but for only one such period unless the party against whom the order is directed consents that it may be extended for a longer period. The hearing upon an application for a preliminary or interlocutory injunction shall be given precedence and shall be in every way expedited and be assigned for hearing at the earliest practicable day. If a temporary stay or suspension has been allowed as aforesaid, the application for a preliminary or interlocutory injunction shall be set for hearing within five days after the granting of such stay or suspension, and when the matter comes on for hearing the party who obtained the temporary stay or suspension shall proceed with the application for a preliminary or temporary injunction, otherwise said temporary order shall be dissolved forthwith. No extension of time shall be granted without the approval of at least two of said three judges. Upon the final hearing of

any such suit the same requirement as to judges and the same procedure as to expedition shall apply. [L. 1951, c. 268, pt. of s. 2.]

Sec. 13193. Enforcement of injunction proceedings; interventions. (a) Whenever in the judgment of the governor any person has engaged or is about to engage in any act or practice which constitutes or will constitute a violation of any provision of this chapter, or any rule or regulation of the governor issued under this chapter, having the force and effect of law, the governor may make application to the appropriate court in the name of the Territory for an order enjoining said acts or practices, or for such other order as will enforce compliance with such provisions, and upon a showing by the governor in such manner and form as is usual in injunction cases, that such person has engaged or is about to engage in any such act or practice, a permanent or temporary injunction, restraining order or other appropriate order shall be granted without bond.

(b) The governor may intervene in the name of the Territory in any action or proceeding wherein a party asserts a right or relies for ground of relief or defense upon this chapter or upon any rule or regulation of the governor issued hereunder, or wherein, in the judgment of the governor, there is an issue to be presented which involves enforcement of the provisions of this chapter or said rules or regulations. [L. 1951, c. 268, pt. of s. 2.]

Sec. 13194. Civil defense personnel; law enforcement powers, when. The governor may authorize appropriate members of the civil defense agency and civil defense organizations to, during a civil defense emergency period, make arrests and exercise other powers of police officers for the purpose of enforcing the provisions of this chapter, rules and regulations issued under this chapter, and such laws as the governor may specify. [L. 1951, c. 268, pt. of s. 2.]

Sec. 13195. Misdemeanors. Any person violating any rule or regulation of the governor prescribed and promulgated pursuant to the provisions of this chapter and having the force and effect of law, shall, if it shall be so stated in said rule or regulation, be guilty of a misdemeanor. Upon conviction of such misdemeanor such person shall be punished by a fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or by both such fine and imprisonment.

Any person who, wilfully or through gross negligence, destroys, damages or loses any shelter, protective device, or warning or signal device, shall if the same was installed or constructed by the United States, the Territory or a political subdivision, or is the property of the United States, the Territory or a political subdivision, be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding two thousand dollars, or by imprisonment not exceeding ninety days, or both such fine and imprisonment. The governor, by rule or regulation, may make further provisions for the protection from misuse of shelters, protective devices, and warning and signal devices. [L. 1951, c. 268, pt. of s. 2.]

Sec. 13196. Penalties prescribed by this chapter additional to other penalties. If conduct prohibited by or under the authority of this chapter is also made unlawful by another or other laws, the offender may be convicted as provided in section 13195 or for the violation of such other law or laws. [L. 1951, c. 268, pt. of s. 2.]

Sec. 13197. Effect of this chapter on other laws. All laws inconsistent with the provisions of this chapter, or of any rule or regulation issued under the authority of this chapter, shall be suspended during the period of time and to the extent that such conflict exists, and may be, by the governor, designated as so suspended. [L. 1951, c. 268, pt. of s. 2.]

Sec. 13198. Expiration date. 'This chapter shall cease to be in effect upon the termination of the existing national emergency which was proclaimed by the president of the United States on December 16, 1950, and at all events on June 30, 1955, unless extended by the legislature; **provided**, that any violation of this chapter or any rule or regulation thereunder, committed while this chapter is in force, may be prosecuted and punished thereafter whether or not this chapter is in force at the time of such prosecution and punishment; **provided**, further, that notwithstanding its expiration, this chapter shall remain and continue in force for the enforcement of rights and liabilities which shall have accrued or attached on or before the date of expiration, for the expenditure of moneys to meet obligations incurred under the authority of this chapter prior to said date of expiration, and for the renovation, restoration, reconstruction or replacement of insured public property that has been damaged or destroyed." [L. 1951, c. 268, pt. of s. 2.]

Section 3. (a) Chapter 328 of the Revised Laws of Hawaii 1945, enacted by section 2 of this Act, shall not, in respect of the civil defense advisory council, the territorial civil defense agency, the local organizations for civil defense, or the officers or units thereof, be construed to create a new council or new agencies, organizations, offices or units, but the same shall be construed to be and constitute a continuation of the disaster relief advisory council, the territorial disaster relief agency, the local organizations for disaster relief, and the offices and units thereof, subject, however, to the changes of names and titles and the other changes made by this Act. All appointments and employments made under the territorial disaster relief Act, if and to the extent made in compliance with the provisions of this Act of persons qualified hereunder, and all rights, liabilities, powers, duties, and functions, enjoyed, imposed, conferred, or made by or under the territorial disaster relief Act shall continue notwithstanding the enactment of this Act, subject to the changes made by this Act. Oaths required by this Act and not heretofore required shall be taken within thirty days after the approval of this Act.

Section 4. Section 1 of Act 3 of the Special Session Laws of Hawaii 1950 is hereby amended by deleting the figure "\$1,000,000.00" and inserting in lieu thereof "\$500,000.00".

There is hereby appropriated from the general revenues of the Territory not otherwise appropriated the sum of \$500,000.00, which shall be expendable under the provisions of chapter 328 of the Revised Laws of Hawaii 1945, as enacted by section 2 of this Act, for the following purposes:

\$250,000.00 for stores of medical supplies and equipment and for the blood bank, \$200,000.00 for matching federal aid funds, and \$50,000.00 for any other purposes of said chapter 328.

Section 5. If any section, sentence, clause or phrase of this Act, or its application to any person or circumstances, is for any reason held to be unconstitutional or invalid, the remaining portions of this Act, or the application of this Act to other persons or circumstances, shall not be affected. The legislature hereby declares that it would have passed this Act and each section, sentence, clause, or phrase thereof, irrespective of the fact that any one or more other sections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 6. This Act shall take effect ten days after its approval.

(Approved June 7, 1951.) S.B. 573, Act 268.

APPENDIX. Note 1:

CONTINUING APPROPRIATIONS.

Series E-254: ACT 72

An Act Relating to the Compensation of the Chief Justice and Associate Justices of the Supreme Court and of the Judges of the Circuit Courts of Hawaii, and making an appropriation therefor.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Act 261 (Series E-216) of the Session Laws of Hawaii 1945 is hereby amended by amending section 3 thereof to read as follows:

"Section 3. The treasurer of the territory is hereby authorized and directed to pay to the several judges of the supreme court and to the several judges of the circuit courts of the Territory of Hawaii, upon warrants which the auditor of the territory is hereby authorized and directed to issue, each month, the sum of three hundred seventy-five dollars, as additional compensation for their services."

Section 2. The provisions of section 6 of said Act 261 shall be construed to include and apply to any additional appropriations necessary by reason of the provisions of this Act, and such monthly appropriations are hereby appropriated and authorized.

Section 3. This Act shall take effect on July 1, 1951.

(Approved May 16, 1951.) H.B. 558, Act 72.

HAWAII STATEHOOD.

Series E-255: ACT 160

An Act to Amend Act 115 of the Session Laws of Hawaii 1947, as Amended, Relating to the Hawaii Statehood Commission.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Act 115 (Series F-217) of the Session Laws of Hawaii 1947, as amended by Act 365 (Series E-314) of the Session Laws of Hawaii 1949, is hereby further amended by amending section 1 thereof to read as follows:

"Section 1. There is hereby created a commission to be known as the 'Hawaii Statehood Commission', which shall consist of nine members, five of whom shall constitute a quorum, no more than five of whom shall be of the same political party, to be appointed and be removable by the governor in the manner provided by the first paragraph of section 80 of the Organic Act.

One of the members shall be a resident of the county of Hawaii, one shall be a resident of the county of Maui, one shall be a resident of the county of Kauai, one shall be a resident of the city and county of Honolulu, and five shall be members at large.

Two of the members shall be appointed for terms to expire January 1, 1952, two for terms to expire January 1, 1953, two for terms to expire January 1, 1954 and three for terms to expire January 1, 1955; thereafter every appointment shall be for a term of four years commencing from the date of expiration of the preceding term. Any vacancy occurring before the expiration of a term shall be filled for the remainder of the unexpired term. All members shall be individuals who have been known supporters of statehood for Hawaii.

The commission shall establish regular meetings. Other meetings shall be held at the call of the chairman or of five members of the commission."

Section 2. Notwithstanding the amendment by section 1 of this Act of section 1 of Act 115 of the Session Laws of Hawaii 1947, as amended, the present members of the Hawaii Statehood Commission whose appointments have been confirmed by the Senate, shall continue in office until the expiration of their respective terms, unless vacancies in their respective offices sooner occur by reason of resignation, death or other cause.

Section 3. This Act shall take effect ten days after the promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 25, 1951.) H.B. 1107, Act 160.

COMMISSION ON SUBVERSIVE ACTIVITIES.

Series E-256: ACT 130

An Act Amending Joint Resolution 5, Special Session Laws of Hawaii 1949, Relating to the Commission on Subversive Activities, and Making an Appropriation.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 2 of Joint Resolution 5, Special Session Laws of Hawaii 1949 is amended by adding two new paragraphs thereto, to read as follows:

“(c) Perform all investigative and other duties required of it by the provisions of any other law.

(d) Investigate, ascertain, collate, appraise, study and analyze subversive propaganda originated or disseminated in the Territory of Hawaii and to make and publish such analyses thereof as in the judgment of the commission appears necessary or desirable.”

Section 2. Section 3 of said Joint Resolution 5 is amended to read as follows:

“Sec. 3. [Reports to be made; records confidential.] The commission may file interim reports to every special session of the legislature of the Territory of Hawaii, and shall file a report to the legislature not later than the tenth legislative day of every regular session. A copy of each such report shall be forwarded to the governor. The commission may make a report to the governor whenever, in its judgment, the circumstances so warrant.

Except for reports analyzing or exposing subversive propaganda (which report the commission is hereby empowered to make public), no report of the commission shall be made public except by the legislature or the governor.

The files and records of the commission shall be confidential. Such files and records shall not be subject to subpoena in any matter or proceeding, nor shall the testimony of any member or subordinate of the commission be compellable or given concerning such files and records and any contents thereof; **provided**, however, that the commission may furnish information from such files and records on a confidential basis to federal and territorial law enforcement agencies and to the responsible heads of any territorial or county agency whom the commission deems proper to receive the same; and **provided**, further, that any officer or employee of the territory or any political subdivision thereof who shall

be furnished any such information by the commission shall maintain the confidential nature of such information and shall observe such conditions upon the use of such information as may be imposed by the commission when it disseminates the information."

Section 3. Section 4 of said Joint Resolution 5 is amended to read as follows:

"Sec. 4. [Powers and duties.] The commission in exercising the powers and performing the functions vested in it by law shall have all powers necessary or convenient to accomplish the objects and purposes for which the commission was created, including but not limited to the following duties and powers:

(a) To employ, without regard to any residence qualifications provided for government officers and employees in other laws, and to fix the compensation of such clerical, investigative, legal, expert and technical assistants as it may deem necessary, which assistants shall not be subject to the territorial civil service and classification laws;

(b) To create committees from its membership and to designate the chairman thereof, assigning to the committee any study, inquiry, investigation or hearing which the commission itself has authority to undertake or hold, and the committee shall have and exercise all of the powers conferred upon the commission, limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the committees, which powers may be withdrawn or terminated at any time by the commission; **provided** that no report of a committee shall be made public until and unless it is adopted and released by the commission;

(c) To adopt, and from time to time, amend or revise rules as may be necessary or desirable to govern its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter);

(d) To contract with such other agencies, public or private, within or without the territory, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the commission as will best assist it to carry out the purposes for which it is created; and to lease, rent or buy such supplies and facilities as may be required;

(e) To make a complete study, survey and investigation of every phase of the subject of this Resolution, including but not limited to the operation, effect, administration, en-

forcement, needed revision and enactment of any and all laws in anywise bearing upon or relating to the subject of this Resolution;

(f) To meet at any and all places in this territory, in public or executive session;

(g) To maintain confidential files and records, to make reports, and to disseminate information as required or permitted by law;

(h) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes for which the commission was created."

Section 4. Section 10 of said Joint Resolution 5 is amended to read as follows:

"Sec. 10. [Witnesses; fees and expenses.] Every witness who appears before the commission, or any committee thereof, by its order, other than an officer or employee of the territory or any political subdivision thereof, shall receive for his attendance the fees provided for witnesses in civil cases in the courts of record and the actual cost of his transportation (but not to exceed the mileage allowed witnesses in such civil cases) and such fees and transportation costs shall be paid from the appropriation made for said commission upon the presentation of proper vouchers sworn to by such witness and approved by the chairman of the commission; **provided**, however, that in the case of expert witnesses the commission may pay such additional amounts as it deems proper in the circumstances."

Section 5. Section 12 of said Joint Resolution 5 is amended to read as follows:

"Sec. 12. [Salaries and expenses.] The members of the commission shall be reimbursed for their actual traveling and hotel expenses incurred by them while attending sessions of the commission or any committee thereof at any time or times during the lawful existence of the commission and in the performance of any individual duty required of them by the commission, the same to be paid upon their individual vouchers, approved by the chairman of the commission, from such funds as may be made available therefor. The salaries and expenses of any expert, clerical, investigative, legal, technical and other assistants employed by the commission and all other proper costs, charges and expenses incurred by the commission shall be paid upon vouchers approved by the chairman of the commission from such funds."

Section 6. There is hereby appropriated from the general revenues of the Territory of Hawaii the sum of thirty-two thousand dollars (\$32,000.00) to be expended in the same manner and for the same purposes as the appropriation made in said Joint Resolution 5. The appropriation hereby made shall be in addition to any unexpended funds of the appropriation made by said Joint Resolution 5 and any other appropriation made for the same or similar purposes.

Section 7. If any phrase, clause, sentence, subsection, section, provision or part of this Act, or its application to any person or circumstances, is for any reason held to be unconstitutional or invalid, the remaining portions of this Act, or the application of this Act to other persons or circumstances shall not be affected, and such remaining portions of this Act shall remain in full force and effect thereafter. The legislature hereby declares that it would have passed this Act and each phrase, clause, sentence, subsection, section, provision or part thereof, irrespective of the fact that any one or more of the phrases, clauses, sentences, subsections, sections, provisions or parts be declared unconstitutional or invalid.

Section 8. This Act shall take effect upon its approval.

(Approved May 21, 1951.) H.B. 7, Act 130.

FIRE PROTECTION, HONOLULU HARBOR.

Series E-257: ACT 175

An Act Relating to the Operation and Maintenance of the Fire Boats.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The board of harbor commissioners is hereby authorized and directed to transfer title and physical possession of the fire boat now owned and operated in and about the port of Honolulu by said board, and the city and county of Honolulu is hereby authorized and directed to accept such transfer of title and physical possession of said fire boat.

Section 2. From and after the transfer set forth above, the city and county of Honolulu shall operate and maintain said fire boat for fire prevention and fire fighting in and about the port of Honolulu.

Section 3. The cost of operating and maintaining said fire boat by and through the city and county of Honolulu shall be borne by the board of harbor commissioners and the general fund of the territory in the ratio of one-third to two-thirds respectively, **provided**, however, that the share of the board of harbor commissioners for any year shall not exceed the sum of \$30,000.00. For this purpose, the board of harbor commissioners shall pay annually from its special fund to the city and county of Honolulu one-third of such annual cost, and the treasurer of the territory shall pay over annually from the general revenues of the territory to the city and county of Honolulu two-thirds of such annual cost, or if such annual cost shall exceed the sum of \$90,000.00, then two-thirds of \$90,000.00 of said annual cost, together with the whole of the amount by which said annual cost shall exceed the amount of \$90,000.00, which payments by the treasurer of the territory are hereby authorized and appropriated.

Section 4. This Act shall take effect upon its approval.

(Approved May 26, 1951.) H.B. 977, Act 175.

DISASTER RELIEF.

Series E-258: ACT 218

An Act to Provide for Disaster Relief During Any Period in Which Act 320 of the Session Laws of Hawaii 1949 Shall Not Be in Effect.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. During any period in which Act 320 [Series E-305.] of the Session Laws of Hawaii 1949 shall not be in effect, the governor and political subdivisions shall be and hereby are empowered to exercise any and all of their powers that relate to disasters resulting from enemy attacks, in order to provide other disaster relief. All provisions of law that relate to disasters resulting from enemy attacks shall, during such period, be deemed to be and hereby are made applicable to other disaster relief, including without limitation, provisions making or authorizing appropriations or expenditures.

Section 2. As used in this Act "other disaster relief" means the preparation for and the carrying out of all functions, other than functions for which military forces are primarily responsible, to minimize and repair injury and damage resulting from

disasters caused by fire, flood, tidal wave, volcanic eruption, earthquake, or other natural causes.

Section 3. This Act shall take effect upon its approval.

(Approved May 28, 1951.) S.B. 572, Act 218.

Note 3. FRANCHISES.

Series E-259: ACT 27

An Act to Amend Act 24 of the Session Laws of Hawaii 1927, as Ratified by the Act of Congress of March 2, 1928, so as to Extend the Electric Light and Power Franchise Granted by Said Act to Cover the Entire Districts of Waimea and Koloa on the Island of Kauai, Territory of Hawaii.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Act 24 of the Session Laws of Hawaii 1927, as ratified by the Act of Congress of March 2, 1928, 45 Statutes at Large 159, is hereby amended in the following respects:

(a) By amending the title of the Act to read as follows: "AN ACT TO AUTHORIZE AND PROVIDE FOR THE MANUFACTURE, MAINTENANCE, DISTRIBUTION AND SUPPLY OF ELECTRIC CURRENT FOR LIGHT AND POWER WITHIN THE DISTRICTS OF WAIMEA AND KOLOA, ISLAND AND COUNTY OF KAUAI";

(b) By substituting for the words "in Hanapepe, in the District of Waimea," in the tenth and eleventh lines of section 1 of said Act, as the same is printed in the appendix on page 1249 of the Revised Laws of Hawaii 1935, the words "in the districts of Waimea and Koloa,";

(c) By substituting for the word "Hanapepe" in the twenty-fourth line of said section 1, in the sixth line of section 3, and in the nineteenth line of section 11, of said Act 27*, as said sections are printed on pages 1249 and 1250 of said Revised Laws of Hawaii 1935, the words "districts of Waimea and Koloa"; and

(d) By substituting for the word "district" in the ninth line of section 15 of said Act 27*, as the same is printed on page 1250 of said Revised Laws of Hawaii 1935, the word "districts".

Section 2. This Act shall take effect when ratified by the Congress of the United States or, if the Territory of Hawaii is

* Should read Act "24."

admitted to statehood prior thereto, then upon the date of such admission to statehood.

(Approved May 4, 1951.) H.B. 127, Act 27.

Series E-260: ACT 66

An Act Relating to the Franchise of the Hilo Electric Light Company, Limited, and Amending Act 101, as Amended, of the Session Laws of Hawaii 1921.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Act 101 of the Session Laws of Hawaii 1921, as amended by Act 32 of the Session Laws of Hawaii 1945, and by Act 251 of the Session Laws of Hawaii 1949, is hereby further amended in the following particular:

(1) By amending Section 15-A of said Act, as amended, to read as follows:

"Section 15-A. Time of commencing work and transmitting and supplying electric current in the districts of Kau, South Kohala and North Kohala. The rights hereby granted with respect to the districts of Kau and South Kohala shall cease and determine as to both of said districts and with respect to the district of North Kohala shall cease and determine as to said district if operations by beginning the construction of buildings or other works for manufacturing, transmitting or supplying electric current for light and power or by placing poles and wiring the same or constructing conduits and laying wires therein in any of the streets, roads or other places in said districts or district, as the case may be, for the purpose of conducting electric current for light and power are not commenced before the 1st day of July, 1955, and shall cease and determine as to any of said districts if sufficient works in such district are not completed and in operation to supply electric current for light and power or if electric current for light and power be not supplied in said district before the said 1st day of July, 1955."

Section 2. This Act shall take effect upon its approval.

(Approved May 10, 1951.) H.B. 1132, Act 66.

Note 8. LOAN FUND ACTS AND BOND ISSUES.

Series E-261: ACT 240

An Act Reappropriating Moneys Heretofore Appropriated by Act 55 of the Special Session Laws of Hawaii 1949, for the Development of an Irrigation and Water Utilization Project in Waimea, Hawaii.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The appropriation contained in section 1 of Act 55 [Series E-49.] of the Special Session Laws of Hawaii 1949 is hereby reappropriated for the purpose of developing an irrigation and water utilization project at Waimea, Hawaii.

Section 2. The moneys herein appropriated shall be spent and said project shall be initiated, constructed and operated by the superintendent of public works. Said superintendent shall have power to fix, charge and collect water rates for service from such water system.

Section 3. The superintendent of public works shall pay all receipts and revenues received by him from the operation of the irrigation and water utilization project provided for in section 1 hereof into a special fund in the territorial treasury, which said fund shall be used and expended for (a) the payment of operating and maintenance costs of the system and (b) reimbursement to the Territory (1) upon the date when any interest payment becomes due upon any bond issued under this Act, the amount of interest then due, and (2) upon the date required for the retirement of all maturing bonds, the amount so required.

Section 4. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 28, 1951.) S.B. 579, Act 240.

Series E-262: ACT 204

An Act Authorizing Issuance of Bonds for
Flood Control Projects.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Bonds, amount and purpose. To carry the powers granted in section 6521, (43) Revised Laws of Hawaii 1945, as amended, the board of supervisors of the city and county of Honolulu is hereby empowered to issue at one or more times bonds or other obligations of the city and county of Honolulu in a total amount of not to exceed one million dollars (\$1,000,000.00). Such bonds or other obligations shall be general obligations of the city and county of Honolulu, payable as to both interest and principal from the consolidated net revenues of the city and county of Honolulu. No portion of the funds realized from the sale of such bonds or other obligations shall be used for any purposes save those specified in this Act, and such bonds may be issued without the approval of the President of the United States.

Section 2. Form and conditions of bonds. The bonds or obligations herein authorized to be issued shall be coupon in form, shall bear interest at a rate not to exceed five per centum per annum, and shall mature serially over a period of not to exceed thirty years, with or without the privilege of prior redemption as the board of supervisors may by resolution determine. If sold to the government of the United States or any agency or instrumentality thereof, said bonds or obligations may be sold at private sale at not less than par and accrued interest to the date of such sale. No election shall be necessary to authorize such bonds or other obligations, which may bear such date or dates, may be payable at such place or places and may carry such registration privileges as to either principal and interest or as to principal only, as the treasurer of said city and county of Honolulu, with the approval of the board of supervisors thereof, may provide. Except where inconsistent with the provisions of this Act, the provisions of chapter 117 of the Revised Laws of Hawaii 1945, as amended, shall apply to bonds and other obligations issued under this Act.

Section 3. Act contingent on Congress. This Act shall take effect immediately upon the enactment of legislation by the Congress of the United States enabling the legislature of the Territory of Hawaii to authorize the city and county of Honolulu to issue flood control bonds notwithstanding section 55 of the Hawaiian Organic Act, or any laws of the Territory of Hawaii, or of any Act of this Congress to the contrary.

(Approved May 28, 1951.) H.B. 518, Act 204.

Series E-263: ACT 265

An Act Authorizing the Board of Supervisors of the City and County of Honolulu to Issue General Obligation Bonds in the Sum of Six Million Dollars (\$6,000,000.00) for the Construction of the Kalihi Tunnel and Its Approach Roads.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The board of supervisors of the city and county of Honolulu is hereby empowered and authorized to issue general obligation bonds in the total sum of six million dollars (\$6,000,000.00), **provided**, however, that the limitations and requirements in the Organic Act and chapter 117 of the Revised Laws of Hawaii 1945 as to the total bond indebtedness which may be incurred at any time or in any one year shall be waived as to bonds issued under this Act, and **provided**, further, that, any other law to the contrary notwithstanding, payments for interest and sinking fund may be made from funds derived from any extra or special fuel tax by law set aside for the use of the city and county of Honolulu.

Section 2. The moneys realized from such bond issue shall be expended for the construction of the Kalihi Tunnel and its approach roads.

Section 3. Any provisions of this Act or any other territorial law to the contrary notwithstanding, it is expressly provided that, in the event it is found possible to secure federal funds made available under any Act of the Congress of the United States to be expended in connection with or for the construction of any of the items authorized by this Act (whether or not there is specific provision for expenditure thereof in connection with federal funds), the proper city and county or territorial officers (who are for such purpose hereby given authority to expend the funds received or realized from the issuance and sale of any bonds authorized by this Act), or both, shall have power to enter into such undertakings with the proper officers or agencies of the federal government, agree to such conditions, transfer such funds to such other governmental (federal, territory or city and county) officer, officers or agencies for expenditure thereof, and do and perform such other acts and things as may be necessary or be required by such Act or Acts of said congress or any regulation or requirement of the federal government, as a condition to securing such federal funds for the construction of such public improvements.

Any other provision of law to the contrary notwithstanding, any bonds issued under this Act may, with the approval of the governor of the territory or the mayor of the city and county of Honolulu (as the event may require) be deposited with and pledged to, or be otherwise disposed of to, the United States or any board, agency or instrumentality of the United States government, to secure the repayment, or in actual payment, of any loans or advances made or to be made, under any Act or Acts of the Congress of the United States authorizing such loans or advances, by the United States or any such board, agency or instrumentality to the Territory of Hawaii or the city and county of Honolulu for the construction, in whole or in part, of any of the items authorized under this Act or the cost of which, or of any portion thereof, would be payable or could legally be paid out of the proceeds of such bonds if sold.

Section 4. This Act shall take effect upon the enactment of legislation by the Congress of the United States of America ratifying this Act and authorizing such bond issue, notwithstanding the limitations of section 55 of the Organic Act of the Territory of Hawaii or any other law to the contrary.

(Approved June 5, 1951.) **H.B. 1034, Act 265.**

Series E-264: ACT 255

An Act Authorizing the Board of Supervisors of the City and County of Honolulu to Issue Bonds in the Sum of One Million Six Hundred Thousand Dollars (\$1,600,000.00) for the Completion of, the Improvements to, and the Development of Certain Existing Public Parks and Playgrounds, and for the Acquisition, Construction and Improvement of New Public Parks and Playgrounds in the City and County of Honolulu.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The board of supervisors of the city and county of Honolulu is hereby empowered and authorized to issue bonds in the sum of one million six hundred thousand dollars (\$1,600,000.00), **provided**, however, that the limitations and requirements in the Organic Act and chapter 117 of the Revised Laws of Hawaii 1945 as to the total bond indebtedness which may be incurred at any time or in any one year shall be waived as to bonds issued under this Act.

Section 2. The moneys realized from such bond issues shall be expended for the following purposes:

(a) The sum of one million dollars (\$1,000,000.00) of the moneys realized from such bond issue shall be expended for the completion of, the improvements to, and the development of certain existing public parks and playgrounds, and for the acquisition of new public parks and playgrounds in the city and county of Honolulu.

(b) Six hundred thousand dollars (\$600,000.00) of the issue of bonds authorized by section 1 of this Act shall be issued only in the event that the government owned land immediately adjacent to the Honolulu Airport of the approximate area of 120 acres becomes available or is set aside by executive order to the board of supervisors of the city and county of Honolulu or to the park board of the city and county of Honolulu. In the event that such land becomes available or is so set aside by executive order, the sum of six hundred thousand dollars (\$600,000.00) of the proceeds of the issue of bonds authorized by said section 1, or so much thereof as may be necessary, shall be expended for the construction and improvement of a public park and playground on such area to be known as the "Kalihi Playground" and for such park, swimming and recreational facilities therefor as may hereafter be determined by the park board of the city and county of Honolulu.

Section 3. Any provisions of this Act or any other territorial law to the contrary notwithstanding, it is expressly provided that, in the event it is found possible to secure federal funds made available under any Act of the Congress of the United States to be expended in connection with or for the construction of any of the items authorized by this Act (whether or not there is specific provision for expenditure thereof in connection with federal funds), the proper city and county or territorial officers (who are for such purpose hereby given authority to expend the funds received or realized from the issuance and sale of any bonds authorized by this Act), or both, shall have power to enter into such undertakings with the proper officers or agencies of the federal government, agree to such conditions, transfer such funds to such other governmental (federal, territory or city and county) officer, officers or agencies for expenditure thereof, and do and perform such other acts and things as may be necessary or be required by such Act or Acts of said congress or any regulation or requirement of the federal government, as a condition to securing such federal funds for the construction of such public park improvements.

Any other provision of law to the contrary notwithstanding, any bonds issued under this Act may, with the approval of the governor of the territory or the mayor of the city and

county of Honolulu (as the event may require) be deposited with and pledged to, or be otherwise disposed of to, the United States or any board, agency or instrumentality of the United States government, to secure the repayment, or in actual payment, of any loans or advances made or to be made, under any Act or Acts of the Congress of the United States authorizing such loans or advances, by the United States or any such board, agency or instrumentality to the Territory of Hawaii or the city and county of Honolulu for the construction, in whole or in part, of any of the items authorized under this Act or the cost of which, or of any portion thereof, would be payable or could legally be paid out of the proceeds of such bonds if sold.

Section 4. This Act shall take effect upon the enactment of legislation by the Congress of the United States of America ratifying this Act and authorizing such bond issue, notwithstanding the limitations of section 55 of the Organic Act of the Territory of Hawaii or any other law to the contrary.

(Approved May 31, 1951.) H.B. 971, Act 255.

Series E-265: ACT 288

An Act Authorizing the Board of Supervisors of the City and County of Honolulu to Issue Bonds for Acquisition of Real Property for Public School Purposes, and for Construction and Replacement of Buildings for Public School Purposes.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The board of supervisors of the city and county of Honolulu is hereby empowered and authorized to issue bonds in the sum of five million dollars (\$5,000,000.00), **provided**, however, that the limitations and requirements in the Organic Act as to the total bond indebtedness which may be incurred at any time or in any one year shall be waived as to bonds issued under this Act. The limitations and requirements in chapter 117 of the Revised Laws of Hawaii 1945 as to the total bond indebtedness which may be incurred at any time or in any one year are hereby waived.

Section 2. The moneys realized from such bond issue shall be expended for the acquisition of real property for public school purposes, and for the construction and replacement of buildings for public school purposes, in the city and county of Honolulu. The foregoing expenditures shall be deemed to include the preparation of necessary plans.

Such moneys shall be expended by the board of supervisors of the city and county of Honolulu in accordance with plans and specifications prepared by the superintendent of buildings of the city and county of Honolulu.

All buildings for public school purposes and all real property acquired for public school purposes under this Act shall be subject to the approval of the department of public instruction as to the location of the said real property and as to size, arrangement, dimensions, lighting of the rooms and sanitary conditions as to the said buildings. The department of public instruction shall determine the order of priority of constructing projects under this Act.

Section 3. Any provision of this Act or any other territorial law to the contrary notwithstanding, it is expressly provided that, in the event it is found possible to secure federal funds made available under any Act of the Congress of the United States to be expended in connection with or for the construction of any of the items authorized by this Act (whether or not there is specific provision for expenditure thereof in connection with federal funds), the proper city and county or territorial officers (who are for such purpose hereby given authority to expend the funds received or realized from the issuance and sale of any bonds authorized by this Act), or both, shall have power to enter into such undertakings with the proper officers or agencies of the federal government, agree to such conditions, transfer such funds to such other governmental (federal, territory or city and county) officer, officers or agencies for expenditure thereof, and do and perform such other acts and things as may be necessary or be required by such Act or Acts of said Congress or any regulation or requirement of the federal government, as a condition to securing such federal funds.

Any other provision of law to the contrary notwithstanding, any bonds issued under this Act may, with the approval of the mayor of the city and county of Honolulu be deposited with and pledged to, or be otherwise disposed of to, the United States or any board, agency or instrumentality of the United States government, to secure the repayment, or in actual payment, of any loans or advances made or to be made, under any Act or Acts of the Congress of the United States authorizing such loans or advances, by the United States or any such board, agency or instrumentality to the Territory of Hawaii or the city and county of Honolulu for the construction, in whole or in part, of any of the items authorized under this Act or the cost of which, or of any portion thereof, would be payable or could legally be paid out of the proceeds of such bonds if sold.

Section 4. This Act shall take effect upon the enactment of legislation by the Congress of the United States of America ratifying this Act and authorizing such bond issue notwithstanding the limitations of section 55 of the Organic Act of the Territory of Hawaii or any other law to the contrary. The Congress of the United States of America is hereby requested to enact such legislation.

(Approved June 9, 1951.) S.B. 487, Act 288.

Series E-266: ACT 182

An Act Amending Act 251 of the Session Laws of Hawaii 1941, as Amended, Relating to the County of Kauai Bonds for Public Improvements.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 1 of Act 251 [Series E-320.] of the Session Laws of Hawaii 1941, as amended, is hereby further amended in the following particulars:

(1) By substituting for the words and figures reading:

"Waialua bridge 50,000.00"

the following words and figures:

"Health centers at Kapaa and Waimea, including the construction of plant, furnishings and facilities 50,000.00".

(2) By adding at the end of said section 1 the following:

"The expenditure of the amount provided for health centers at Kapaa and Waimea shall be made by the board of supervisors upon plans approved by the territorial board of health."

Section 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 28, 1951.) S.B. 196, Act 182.

Series E-267: ACT 59

An Act Amending Act 400 (Series E-324) of the Session Laws of Hawaii 1949, authorizing the Board of Supervisors of the County of Maui to Issue Bonds for School Purposes.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Act 400 (Series E-324) of the Session Laws of Hawaii 1949 is hereby amended in the following respects:

(a) By amending section 1 thereof to read as follows:

"Section 1. The board of supervisors of the county of Maui is hereby authorized and empowered to issue from time to time general obligation bonds of the county of Maui in accordance with the provisions of section 55 of the Organic Act and chapter 117 of the Revised Laws of Hawaii 1945."

(b) By amending section 2 thereof to read as follows:

"Section 2. The moneys realized from bonds issued under this Act shall be expended for the construction of school buildings or for additions to existing school buildings in the county of Maui."

(c) By repealing section 3 thereof.

Section 2. This Act shall take effect upon its approval.

(Approved May 10, 1951.) S.B. 335, Act 59.

Series E-268: ACT 321

An Act Making Appropriations for Public Improvements and Providing for the Issuance of Public Improvement Bonds.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. (a) The following sums are hereby appropriated for the following purposes out of any moneys hereafter received by the treasurer of the Territory of Hawaii for or on account of loan funds, and bonds may be issued as provided by law to the extent necessary to yield the amounts herein appropriated or so much thereof as may be found necessary:

CITY AND COUNTY OF HONOLULU

1. Additional classrooms and shops, 4th district.....	\$ 172,000
2. Furniture equipment and lighting, 4th district schools (Not approved)	100,000
3. Kuhio School cafeteria and eating pavilion (Not approved)	90,000
4. Waimanalo Homestead water system.....	100,000
5. Waikiki beach, acquisition of land and improve- ments	200,000
6. Ala Wai boat harbor, dredging channel or other improvements	100,000
7. Royal Mausoleum, construction, reconstruction, al- terations and repairs (Not approved).....	25,000
8. Farrington High School auditorium.....	400,000
9. Maemae School, Oahu, cafeteria and classrooms (Not approved)	140,000
10. Waipahu Elementary School, lights for classrooms (Not approved)	14,000
11. Waipahu High School, lights for athletic field (Not approved)	15,000
12. Waialua High School, lights and fences (Not approved)	21,000
13. Kahuku High School, lights and fences (Not ap- proved)	21,000
14. Castle High School, lights and fences (Not ap- proved)	21,000
15. Wahiawa High School, lights and fences (Not ap- proved)	21,000
16. Hauula Fire Station (Not approved).....	60,000
17. Kahuku High School, acoustics for auditorium (Not approved)	5,000
18. Wahiawa, Oahu, auditorium gymnasium.....	200,000
19. Castle High School, Oahu, auditorium gymnasium..	125,000
20. Dredging, breakwater and anchorage, Pokai Bay. (Funds to be expended by the Board of Harbor Commissioners)	100,000
21. Flood control, Waialua, Oahu, Kiki and Paukawila streams (Not approved).....	50,000
22. Construction of Makua-Kaena Point Road from Makua to Kaena Point (Not approved).....	100,000
23. Kawainui Swamp Flood Control and drainage project, Kailua, Oahu.....	325,000
24. Waimano Home (Not approved).....	25,000
2-staff residence	\$20,000
Furnishings for same.....	5,000
25. Haleiwa Harbor dredging, breakwater and anchor- age (Not approved).....	100,000

TOTAL — CITY AND COUNTY OF HONOLULU: \$2,530,000

COUNTY OF HAWAII

26. Construction of roadway and landing pier at South Point, Kau (Not approved).....	\$ 20,000
27. Construction of wharf shed at Keauhou Bay, North Kona	20,000
28. Widening road seaward and constructing seawall along that section of beach road at Kailua, N. Kona, between Hulihee Palace and Kailua wharf (Not approved)	115,000
29. South Kona water system.....	35,000
30. Construction of bleachers and shed at Konawaena School, South Kona (Not approved).....	25,000
31. Construction and resurfacing of road from Olaa to Pahoa towards Kapoho.....	91,250
32. Widening, constructing, and resurfacing Kinoole Street from Haihai Street towards Mohouli (Not approved)	35,000
33. Flood control, County of Hawaii.....	50,000
34. Construction of small craft harbor at Reed's Bay (Not approved)	25,000
35. Hamakua water system (Not approved).....	100,000
36. Kauka Hila Park, Keaukaha, Hilo, Hawaii (Not approved)	15,000
37. Construction of highway to summit of Maunaloa, Hilo, Hawaii	75,000
38. Kona-Hilo Road	150,000
39. Maunaloa Forestry Camp residences, roadway from Kulani Access road to Maunaloa Forestry Camp Workshop	53,000
40. Dredging Wailoa River, Waiakea, Hilo, Hawaii....	25,000
41. Construction of a 500,000 gallon tank at the National Guard encampment area, Pohakuloa, Hawaii.....	25,000
42. Survey of the National Guard base camp site at Lyman Field, Hilo, Hawaii (Not approved).....	2,000
43. Construction of Hawaii National Guard Armory at Lyman Field	58,750
TOTAL—COUNTY OF HAWAII:	\$ 920,000

COUNTY OF MAUI

44. Maui High School—construction and reconstruction	\$ 200,000
45. Haiku School—construction (Not approved).....	175,000
46. Flood control, Iao Stream—Wailuku (Not approved)	130,000
47. Wailuku-Kahului Waterworks System (Development of supply for and installation of a distribution system for water for the Kihei District—to be expended by the Maui County Waterworks Board) (Not approved).....	110,000
48. Lahainaluna School—construction and equipment..	75,000
TOTAL—COUNTY OF MAUI:	\$ 690,000

COUNTY OF KAUAI

49. Construction of and improvement to school buildings	\$ 75,000
50. Kauai Veterans' Memorial Hospital, including furniture and fixtures, machinery and equipment (Not approved)	160,000
51. Police buildings, Lihue—including furniture and fixtures (Not approved).....	25,000
52. Kauai Vocational School—construction and equipment of buildings.....	200,000
TOTAL—COUNTY OF KAUAI:	\$ 460,000
GRAND TOTAL—ALL COUNTIES:	<u>\$4,600,000</u>

(b) The foregoing appropriations shall be deemed to include the preparation of necessary plans. In case the amount specified in any item of this section shall not be wholly required to complete the work on such item the unrequired balance may, after completion of said work or after it is definitely ascertained by the officer or officers in charge of the work authorized by said item that not more than a specified amount, less than the whole amount appropriated by said item, will be required to complete said work, be expended for the work specified in any of the other items for the same department, and any unrequired balance remaining after the completion of all of the items for any department may be transferred by the governor to supplement the appropriation for an item or items for another department.

Section 2. (a) That no moneys shall be expended under any of said items 2 to 25, inclusive, items 44, 45, 46, 48, 49, 50, 51, and 52, until the methods, materials, plans and specifications proposed to be used for the construction or reconstruction of the improvement authorized by said item shall first have been passed upon and approved by the superintendent of public works; and before giving such approval the superintendent of public works shall inspect the locality in which the work is proposed to be done and shall familiarize himself with the local conditions affecting said proposed work.

(b) That all school buildings erected under any of the items in section 1 (a) and all lands purchased for school purposes under any of the items specified in this section shall be subject to the approval of the department of public instruction as to the locality of the lands purchased and as to the size, arrangement, dimensions, lighting of the rooms and sanitary condition as to the buildings erected.

Section 3. (a) The sums appropriated by section 1 (a) being items 26 to 36, inclusive, shall be expended by the board of supervisors of the county of Hawaii in accordance with plans and specifications prepared by the engineer of said county.

(b) The sum appropriated for item 1 in section 1 (a) shall be expended by the board of supervisors of the city and county of Honolulu in accordance with plans and specifications prepared by the superintendent of said city and county.

(c) The sums appropriated by section 1 (a) being items 37, 38, and 39 shall be expended by the territorial department of institutions.

(d) The sum appropriated for item 40 in section 1 (a) shall be expended by the board of harbor commissioners.

(e) In the event that federal funds become available for the purpose of item 23, the amount by which said appropriation for item 23, together with such federal aid, shall exceed the sum of \$850,000 shall be released from said project appropriation and is hereby appropriated, in addition to any sums otherwise appropriated for the same or a kindred purpose for the acquisition of land and improvements to Waikiki Beach.

Section 4. Any provision of this Act or any other territorial law to the contrary notwithstanding, it is expressly provided that, in the event that it is found possible to secure federal funds made available under any Act of the Congress of the United States to be expended in connection with or for the construction of any of the projects or works authorized by any item of this Act (whether or not such item specifically provides for expenditure thereof in connection with federal funds), the proper territorial or county officers, or both, charged with the expenditure of the funds appropriated by such item, shall have power to enter into such undertakings with the proper officers or agencies of the federal government, agree to such conditions, transfer the funds appropriated by this Act to such other officer, officers or agency of the territory or county (who are hereby given power to expend the same pursuant to this Act) for expenditure thereof, and do and perform such other acts and things as may be necessary or be required by such Acts of said Congress or any regulations or requirements of the federal government, as a condition to securing such federal funds for such projects or works.

Any other provision of law to the contrary notwithstanding, any bonds issued under this Act may, with the approval of the governor, be deposited with and pledged to, or be otherwise disposed of to, the United States or any board, agency or instrumentality of the United States government, to secure the repay-

ment, or in actual payment, of any loans or advances made or to be made, under any Act or Acts of the Congress of the United States authorizing such loans or advances, by the United States or any such board, agency or instrumentality to the territory for the construction, in whole or in part, of any public works project authorized under this Act or the cost of which, or any portion thereof, would be payable or could legally be paid out of the proceeds of such bonds if sold.

Section 5. Act 63 [Series E-48] of the Special Session Laws of Hawaii 1949 is hereby repealed.

Section 6. This Act shall take effect upon its approval.

(Approved June 15, 1951.) **H.B. 1, Act 321**, except as to items indicated, which are not approved.

Series E-269: ACT 14

An Act to Amend Act 401 of the Session Laws of Hawaii 1949, Relating to Appropriations for Public Improvements and the Issuance of Public Improvement Bonds.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 2, subdivision (a) of Act 401 [Series E-325] of the Session Laws of Hawaii 1949, is hereby amended by substituting for the words and figures therein reading:

"61. Kauai war memorial.....\$75,000.00"
the following words and figures:

"61. Kauai war memorial, acquisition of land,
structures and improvements to land,
parking space, and furniture and equip-
ment\$75,000.00".

Section 2. This Act shall take effect upon its approval.

(Approved May 1, 1951.) **H.B. 224, Act 14.**

Series E-270: ACT 100

An Act Amending Item 42 (County of Hawaii), of Subsection (a) of Section 2 of Act 401 of the Session Laws of Hawaii 1949, Relating to Honokaa Hospital.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Item 42, Subsection (a), section 2 of Act 401 [Series E-325.] of the Session Laws of Hawaii 1949 is hereby amended to read as follows:

“42. Honokaa Hospital
 Construction\$150,000.00
 Equipment 100,000.00”.

Section 2. This Act shall take effect upon its approval.

(Approved May 18, 1951.) H.B. 769, Act 100.

Series E-271: ACT 234

An Act to Amend Act 401 (Ser. E-325), Session Laws of Hawaii 1949, Relating to Appropriations for Public Improvements and Providing for the Issuance of Public Improvement Bonds.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Item 27 under “Territorial Improvements” in section 1 (a) of Act 401 (Ser. E-325) of the Session Laws of Hawaii 1949 is hereby amended to read as follows:

“27. Samuel Mahelona Hospital—structures and improvements to land, furniture, fixtures, machinery, and equipment.....400,000.00”.

Section 2. This Act shall take effect upon its approval.

(Approved May 28, 1951.) S.B. 68, Act 234.

Series E-272: ACT 189

An Act to Amend Act 8 of the Session Laws of Hawaii 1945, Relating to Reimbursement of the General Fund of the Territory on Account of Interest and Sinking Fund Charges on Cancelled Term Bonds.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 5 of Act 8 [Series E-220.] of the Session Laws of Hawaii 1945 is hereby amended by changing the period

at the end thereof to a semicolon and adding thereafter the following:

“provided, however, that after July 1, 1951, the interest required to be paid by said board on such bonds shall be 1-3/4 per centum per annum and the sinking fund charge on such bonds shall be recomputed at such rate of interest for the remainder of the term of such bonds; and, **provided**, further, that at any time the board may pay the balance of its obligation to the Territory on account of any issue of such bonds and upon such payment the board shall be relieved of all further liability therefor.”

Section 2. This Act shall take effect July 1, 1951.

(Approved May 28, 1951.) S.B. 280, Act 189.

Note 9. PENSIONS.

Series E-273: ACT 107

An Act Providing for the Withdrawal of William Viela, Sr., as a Member of the Employees' Retirement System of the Territory of Hawaii and for His Reinstatement as a Member of the Pension Fund for Policemen of the County of Maui.

WHEREAS, William Viela, Sr., Active Service No. M 3981 in the employees' retirement system of the Territory of Hawaii, was, prior to the enactment of Act 251, Session Laws of Hawaii 1927, a member of the pension fund for policemen for the county of Maui; and

WHEREAS, after the passage of said Act 251 the said William Viela, Sr., applied, by reason of a misunderstanding, to the trustees of said retirement system for membership therein, thereby terminating his rights in said pension fund; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The trustees of the employees' retirement system are hereby authorized and directed to permit the withdrawal of the said William Viela, Sr., from membership in said retirement system, and to return to him the amount of his accumulated contributions to said retirement system and he is hereby reinstated as a member of said pension fund for policemen for the county of Maui and shall be entitled to the same benefits in said fund and under the provisions of chapter 121 of the Revised Laws of Hawaii 1945 as if he had never become a member of said retirement system.

Section 2. The trustees of the employees' retirement system are further authorized and directed to refund to the county of Maui the amount paid by such county to the pension accumulation fund, and all interest accrued thereon, which is credited to the account of the said William Viela, Sr., such refund to be paid into the police pension fund of such county.

Section 3. This Act shall take effect upon its approval.

(Approved May 18, 1951.) S.B. 307, Act 107.

PART F. TEMPORAL ACTS.

1. GENERAL APPROPRIATIONS.

Series F-274: ACT 318

An Act Making Appropriations Out of the General Revenues for the Biennial Period Ending June 30, 1953.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. That the following sums, or so much thereof as shall be sufficient to accomplish the purpose designated by the appropriations, are hereby appropriated for the biennial period beginning July 1, 1951, and ending June 30, 1953, out of moneys in the treasury received from general revenues:

- | | |
|--|-----------------|
| 1. BOARD OF AGRICULTURE AND FORESTRY | \$ 1,338,267.00 |
| (Including salary of the president @ \$20,760.00. Of the plant quarantine inspectors paid from the foregoing appropriation, one shall be permanently stationed on Kauai, one on Maui and two in Hilo, Hawaii.) | |
| 2. ATTORNEY GENERAL | 351,100.00 |
| (Including the salaries of the attorney general and assistant attorney general @ \$24,360.00 and \$21,560.00 respectively.) | |
| 3. AUDITING DEPARTMENT | 389,740.00 |
| (Including the salaries of the auditor and deputy auditor @ \$20,760.00 and \$18,560.00 respectively.) | |
| 4. BUREAU OF THE BUDGET | 207,195.00 |
| (Including the salary of the director @ \$21,560.00.) | |

BIENNIAL APPROPRIATIONS**Sr. F-274**

5. **CIVIL SERVICE COMMISSION AND PERSONNEL CLASSIFICATION BOARD** 169,353.00
(Including the salary of the personnel director @ \$19,560.00.)
6. **DISASTER RELIEF AGENCY**..... 82,486.00
7. **EMPLOYEES' RETIREMENT SYSTEM** 4,897,639.00
8. **EXECUTIVE DEPARTMENT** 319,035.00
(Of this amount \$75,000.00 shall be expended at the discretion of the governor for the governor's office and Washington Place. The balance hereof shall constitute the Governor's Contingency Fund, from which expenditures may be made only with the approval of the governor for urgent needs for which no specific appropriation or an insufficient appropriation is made herein or otherwise; a detailed account of all of which expenditures shall be submitted to the next legislature.)
9. **HAWAII VISITORS' BUREAU**..... 500,000.00
This appropriation shall be subject to the following terms and conditions:
(a) The Hawaii Visitors' Bureau shall include five members appointed by the governor, each to serve for a term of one year and until his successor is appointed. One member shall be appointed to represent the territory at large, the others to represent each of the counties of Hawaii, Maui and Kauai and the city and county of Honolulu, upon nomination by the board of supervisors of the respective political subdivision in conjunction with the principal civic and commercial organizations thereof.
(b) This appropriation shall become available from time to time, upon warrants issued by the auditor of the territory, in amounts equal to the private contributions then received by the bureau in cash and deposited to its credit in a bank. The moneys thus made available, hereinafter referred to as "matching funds", shall be expendable only as provided in paragraphs (c) and (d).

(c) For every dollar contributed by a person or business organization doing business in the county of Hawaii, the bureau shall spend at least an equal amount of the matching funds for advertising and promotional work in the territory for the benefit of said county, and likewise in the case of contributions received from Maui and Kauai; provided, however, that not more than \$50,000.00 of matching funds shall be so used for the county of Hawaii, not more than \$50,000.00 for Maui and not more than \$40,000.00 for Kauai.

(d) Except as to the amounts expendable in the manner provided in paragraph (c), all matching funds shall be expended exclusively for display advertising in metropolitan newspapers and national magazines, exhibits and displays and radio or television broadcasts on the mainland United States and Canada and, on a matching basis with contributions made by persons or organizations doing business therein, in any other foreign country; provided, however, that if, in the determination of the governor, tourist travel from the mainland United States to the territory shall have been seriously curtailed as a result of war or otherwise, the executive committee of the bureau, within thirty days after receipt of notice of such determination, shall abandon its program of such mainland and foreign advertising, displays and broadcasts, except for such as it may be then firmly committed, and shall submit to the governor a detailed plan of its proposed activities on a reduced basis for the period of such curtailment and, during such period, matching funds (other than the funds expendable under paragraph (c), which shall not be affected) shall be expendable only for such purposes and in such amounts as the governor may approve, and any unexpended balance of matching funds at the end of the biennium shall revert to the territory and be paid back into the general fund.

BIENNIAL APPROPRIATIONS**Sr. F-274**

(e) A detailed account of all expenditures of matching funds and all private contributions shall be submitted to the next legislature.

10. HAWAIIAN HOMES COMMISSION.. 42,645.00

To supplement receipts estimated from rentals of available lands to provide for the administration expenses of the commission for the biennium 1951-1953; **provided**, however, that this appropriation shall be reduced to the extent that the actual receipts from rentals of available lands for the Hawaiian Homes administration's account shall exceed the estimated sum of \$250,000.00 for the biennium 1951-1953.

11. BOARD OF HEALTH..... 5,587,878.00

(Of this appropriation, \$1,494,595.00 shall be expended for the Kalaupapa Settlement and \$691,362.00 shall be expended for Hale Mohalu. **Provided** that no transfer of appropriations shall be made between Kalaupapa Settlement and Hale Mohalu except as may be required by reason of transfer of patients between said units. **Provided**, further, that of the amount allocated to the division of sanitation, the sum of \$3,000.00 shall be expended for rat control in Kona, Hawaii. Included in the above appropriation are the salaries of the president and the director of public health @ \$24,360.00 and \$21,560.00 respectively.)

12. HIGH SHERIFF'S OFFICE..... 6,000.00

13. DEPARTMENT OF INSTITUTIONS.. 7,429,931.00

(Included in this appropriation is the salary of the director at \$21,560. Of the ten psychiatrists provided for by the foregoing appropriation, three shall fall within the appropriate classifications under chapter 3 of the Revised Laws of Hawaii 1945 and seven, including the superintendent and six others, shall be exempt from classification under said chapter 3.

In the event Senate Bill No. 534 or equivalent legislation shall not be enacted by the Regular Session of the Twenty-sixth Legislature of the Territory of Hawaii, the appropriations and budgets of the Kawaioloa Training School for Girls

and the Koolau Boys' Home shall nevertheless be consolidated and said school and home shall be under the direction and supervision of one superintendent.

No paid labor shall be employed for any construction within the foregoing appropriation, but labor for the same shall be furnished by the boys and girls in the Koolau Boys' Home and the Kawaihoa Training School.)

14. QUASI-PUBLIC INSTITUTIONS..... \$7,507,885.00

Kula Sanatorium \$ 946,177.00

A. Personal services.....\$ 661,765.00

B. Other current
expenses 327,137.00

C. Equipment 17,000.00

F. Bond retirement and
interest 25,600.00

1,031,502.00

Less: Receipts 110,000.00

921,502.00

Kula Sanatorium—General Hospital

A. Personal services.....\$ 38,675.00

B. Other current
expenses 25,000.00

63,675.00

Less: Receipts 39,000.00

24,675.00

To supplement the estimated receipts to provide for the operation and maintenance of the hospital for the biennium 1951-1953; provided, however, that this appropriation shall be reduced to the extent that the actual receipts shall exceed the estimated sum of \$110,000.00 for the biennium 1951-1953.

Leahi Hospital 4,039,770.00

A. Personal services.....\$2,953,887.00

B. Other current
expenses 1,120,883.00

C. Equipment 25,000.00

4,099,770.00

Less: Receipts 60,000.00

4,039,770.00

BIENNIAL APPROPRIATIONS

Sr. F-274

To supplement the estimated receipts to provide for the operation and maintenance of the hospital for the biennium 1951-1953; **provided**, however, that this appropriation shall be reduced to the extent that the actual receipts shall exceed the estimated sum of \$60,000.00 for the biennium 1951-1953.

Lunalilo Home	80,000.00
F. Fixed charges\$	80,000.00
Molokai Community Hospital.....	76,726.00
A. Personal services\$	115,724.00
B. Other current	
expenses	72,600.00
C. Equipment	11,402.00
	<u>199,726.00</u>
Less: Receipts	123,000.00
	<u>76,726.00</u>

To supplement the estimated receipts to provide for the operation and maintenance of the hospital for the biennium 1951-1953; **provided**, however, that this appropriation shall be reduced to the extent that the actual receipts shall exceed the estimated sum of \$123,000.00 for the biennium 1951-1953.

Puumaile Hospital	1,020,899.00
A. Personal services\$	785,790.00
B. Other current	
expenses	284,469.00
C. Equipment	15,000.00
	<u>1,085,259.00</u>
Less: Receipts	64,360.00
	<u>1,020,899.00</u>

To supplement the estimated receipts to provide for the operation and maintenance of the hospital for the biennium 1951-1953; **provided**, however, that this appropriation shall be reduced to the extent that the actual receipts shall exceed the estimated sum of \$64,360.00 for the biennium 1951-1953.

Samuel Mahelona Memorial Hospital....	490,379.00
A. Personal services\$	350,496.00
B. Other current expenses	169,583.00
M. Motor vehicles	1,800.00
E. Structures and permanent improvements to land	29,500.00
	<hr/> 551,379.00
Less: Receipts	61,000.00
	<hr/> 490,379.00

Kapiolani Maternity & Gynecological Hospital	36,135.00
Kauikolani Children's Hospital.....	62,963.00
Kuakini Hospital	36,683.00
St. Francis Hospital.....	79,935.00
The Queen's Hospital	143,445.00
Wahiawa General Hospital.....	50,918.00
G. N. Wilcox Memorial Hospital.....	43,253.00
Southshore Hospital	23,543.00
Kahuku Hospital	16,425.00
Waimea Hospital	18,710.00
Hilo Memorial Hospital.....	168,082.00
Honokaa Hospital	20,900.00
Kohala Hospital	26,375.00
Kona Hospital	22,995.00
Central Maui Memorial Hospital	78,840.00
Maui Memorial Hospital	12,045.00
Hana Hospital	12,687.00

The above appropriations for private hospitals shall be paid in quarterly installments at the rate of \$.75 per ward bed per day, whether occupied or not, but not exceeding said appropriations for the biennium; provided, however, that said installments shall not be paid unless and until (1) the auditor finds that the recipient has installed and is maintaining a uniform accounting system in conformity with accepted standards of the American Hospital Association, and (2) the recipient has filed with the auditor a statement of receipts and disbursements, in accordance with the system prescribed, for the quarter preceding the quarter for which the payment is made.

BIENNIAL APPROPRIATIONS**Sr. F-274**

15. JUDICIAL DEPARTMENT	1,782,770.00
(a) Supreme Court	101,036.00
(b) District Court of Kalawao.....	3,960.00
(c) Land Court	32,730.00
(d) First Circuit Court.....	1,071,377.00
(e) Second Circuit Court.....	191,934.00
(f) Third Circuit Court.....	251,346.00
(g) Fifth Circuit Court.....	130,387.00

16. LABOR AND INDUSTRIAL RELATIONS, DEPARTMENT OF	429,798.00
(Included in this amount is the salary of the labor and industrial relations director @ \$19,560.00.)	

17. LIBRARIES	1,058,883.00
(a) Library of Hawaii.....	664,672.00
(b) Hawaii County Library.....	143,949.00
(c) Maui County Free Library.....	124,439.00
(d) Kauai Public Library Ass'n., Ltd...	125,823.00

(The appropriation made herein for the Kapaa Branch Library shall be available and expendable only after the library at Kapaa is completed and ready for occupancy.)

18. MILITARY DEPARTMENT	595,128.00
--------------------------------------	-------------------

In the event that the Hawaii National Guard and the Hawaii Air National Guard should be called or ordered into the service of the United States, the foregoing appropriation or any part thereof remaining unexpended, shall be available for expenditure for the Hawaii Territorial Guard. In the event that only a portion of the Hawaii National Guard or Hawaii Air National Guard should be called or ordered into the service of the United States, the adjutant general with the approval of the director of the budget shall allocate the foregoing appropriation or any part thereof remaining unexpended between the Hawaii Territorial Guard and the Hawaii National Guard.

19. PUBLIC ARCHIVES OF HAWAII....	73,157.00
--	------------------

- | | |
|---|---------------|
| 20. PUBLIC INSTRUCTION, DEPARTMENT OF | 26,097,754.00 |
| (Included in this amount is the sum of \$24,802,113.00 for personal services, including the salary of the superintendent @ \$20,760.00, and the department shall maintain as closely as possible a teacher-pupil ratio of 1-32, provided that this ratio shall not apply to kindergartens.) | |
| 21. PUBLIC LANDS, DEPARTMENT OF | 642,540.00 |
| (Included in this amount is the salary of the commissioner of public lands @ \$20,760.00 as well as the transfer amount to the Hawaiian Homes Administration Fund of \$250,000.00.) | |
| 22. PUBLIC WELFARE, DEPARTMENT OF | 8,563,985.00 |
| (Included in this appropriation is an amount of \$1,000,000.00 for the medical care and hospitalization program. The Public Welfare Board shall fix and from time to time revise eligibility requirements for assistance and services and standards of assistance so that expenditures of territorial funds (exclusive of federal aid funds) shall not exceed the amounts provided herein, including any amounts transferred or otherwise made available to the department pursuant to the provisions of this Act. No general assistance shall be paid except in conformity with the provisions of House Bill No. 157, as passed by both Houses of this legislature.) | |
| 23. PUBLIC WORKS, DEPARTMENT OF | 962,463.00 |
| (Included in this amount is the salary of the superintendent @ \$21,560.00.) | |
| 24. SECRETARY OF HAWAII..... | 175,982.00 |
| The secretary, in expending the appropriation for publication of Session Laws of Hawaii, need not comply with the provisions of the fourth and of the last sentences of section 2 of the Revised Laws of Hawaii 1945. | |
| 25. SIGHT CONSERVATION AND WORK WITH THE BLIND, BUREAU OF.... | 266,022.00 |

BIENNIAL APPROPRIATIONS

Sr. F-274

26. SURVEYOR, OFFICE OF.....	304,295.00
(Included in this amount is the salary of the surveyor of the Territory of Hawaii @ \$20,760.00.)	
27. TAX COMMISSIONER	2,231,510.00
(Included in this amount is the salary of the tax commissioner @ \$20,760.00.)	
28. TREASURY DEPARTMENT	4,549,140.00
(Included in this amount is the salary of the treasurer @ \$20,760.00.)	
29. UNIVERSITY OF HAWAII.....	3,697,825.00
The amount of this appropriation necessary to match allotments made by the federal government for extension work shall be payable to the University of Hawaii in total, by single warrant, or by several warrants, representing periodical allotments. <i>Provided</i> , however, that disbursements matching federal allotments may be regularly audited by the federal auditor and shall be subject to the same limitations as respects the character of expenditures of the federal funds which it offsets.	
Of the foregoing appropriation, the sum of \$1,427,549.00 shall be used only for the expenses of the instructional activities of the five colleges of applied science, agriculture, arts and sciences, teachers college and business administration. The college of business administration shall offer a four-year course of instruction.	
Any other law to the contrary notwithstanding, no portion of the funds appropriated by this Act for the University of Hawaii, or collected or received by the university from its students or from the United States, or of any other funds under the control of its board of regents, shall be expendable for the reimbursement of the territory for the amount payable by the territory to cover the liability of the territory to the various funds of the employees' retirement system on account of the employees of the university, nor shall any law providing for such reimbursement be deemed applicable to the university.	
30. VETERANS' AFFAIRS, TERRITORIAL COUNCIL OF.....	74,245.00
TOTAL OF OPERATING BUDGET.....	<u>\$80,334,651.00</u>

Section 2. Whenever the governor shall find it necessary, he shall be authorized to transfer funds appropriated herein for any department to any other department, **provided** that the total amount of transfers during the biennium shall not exceed ten per cent of the total amount appropriated herein. For the purposes of this Act, the word "department" shall include any department, board, bureau, commission, agency, office or institution for which an appropriation is made herein.

Section 3. Any amount included in any item of appropriation in this Act for the payment of premiums on policies insuring public vehicles against public liability or property damage, as may be shown in the governor's budget, shall be transferred to the Territorial Insurance Fund and the disbursement of such amounts for such purposes shall be made exclusively by the treasurer of the territory from the Territorial Insurance Fund, any other law to the contrary notwithstanding.

Section 4. The head of each department, with the approval of the director of the bureau of the budget and within ninety days after this Act takes effect, shall, for each of the two fiscal years of the biennium, allocate the funds herein appropriated for such department among the several accounts set forth in the governor's budget. In the event of a disagreement between the department head and the director, the governor shall make such allocations. Any unexpended balance of funds so allocated for expenditure during the first fiscal year of the biennium shall be transferred into the governor's contingent fund at the end of said fiscal year and shall then be expendable for any of the purposes of said fund.

Section 5. No vacancy in any department shall be filled except with the approval of the governor. No new permanent position shall be created or filled in any department, **provided** that any positions authorized or required for the purposes of Act 129 of the Session Laws of Hawaii 1951, and in the event that Senate Bills Nos. 70 and 71 of the Twenty-sixth Legislature, or either of them, shall become law, such positions as are authorized or required for the purposes thereof, may be created and filled, and **provided**, further, that this limitation shall not apply to the department of public instruction or the Library of Hawaii, Hawaii County Library or Maui County Free Library.

The provisions of this section shall not apply to any private or quasi-public institution.

Section 6. Any provision in any other law to the contrary notwithstanding, no pension payable under the Employees' Retirement System shall be increased by any bonus for pensioners unless

the beneficiary thereof, or the person for whose service the pension is payable, has had sufficient service to qualify for the minimum service retirement allowance, and no funds appropriated in this Act or by any other Act, including any Act providing a bonus for pensioners, shall be paid in violation of this provision; **provided**, however, that this provision shall not be construed to prohibit the payment of such bonus to any person who is receiving the bonus on the effective date of this Act.

Section 7. This Act shall take effect from and after July 1, 1951.

(Approved June 14, 1951.) H.B. 48, Act 318.

1951 DEFICIENCY APPROPRIATIONS.

Series F-275: ACT 17

An Act Making Appropriations Out of the General Revenues to Cover Certain Deficiencies for Governmental Purposes for the Biennial Period Ending June 30, 1951.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. That the following sums or so much thereof as may be necessary, respectively, are hereby appropriated for the objects and purposes hereinafter specified, in addition to any appropriation made for the same or similar purposes by another act, out of moneys in the treasury received from general revenues:

CIVIL SERVICE COMMISSION AND PERSONNEL CLASSIFICATION BOARD

Civil Service Commission and Personnel Classification Board		\$	337.00
A. Personal Services	\$ 337.00		
Total: Civil Service Commission and Personnel Classification Board		\$	337.00

EMPLOYEES' RETIREMENT SYSTEM

Minimum Pensions		\$	933.00
F. Fixed Charges	\$ 933.00		
Examination of the Employees' Retirement System			453.00
A. Personal Services	453.00		
Total: Employees' Retirement System		\$	1,386.00

INSTITUTIONS, QUASI-PUBLIC

Kula Sanatorium		\$ 14,139.00
F. Fixed Charges	\$ 14,139.00	
Samuel Mahelona Hospital.....		17,785.00
A, B, C, E, Operating Expenses.....	17,785.00	
Total: Institutions, Quasi-Public		<u>\$ 31,924.00</u>

JUDICIAL DEPARTMENT

Land Court		\$ 3,078.00
A. Personal Services	\$ 3,078.00	
Third Circuit Court.....		760.00
C. Equipment	760.00	
Total: Judicial Department		<u>\$ 3,838.00</u>

MILITARY DEPARTMENT

Hawaii National Guard.....		\$ 16,903.00
A. Personal Services	\$ 16,903.00	
Total: Military Department		<u>\$ 16,903.00</u>

DEPARTMENT OF PUBLIC LANDS

Department of Public Lands.....		\$ 1,700.00
B. Other Current Expenses.....	\$ 1,700.00	
Total: Department of Public Lands.....		<u>\$ 1,700.00</u>

DEPARTMENT OF PUBLIC WELFARE

Department of Public Welfare.....		\$800,000.00
F. Fixed Charges	\$800,000.00	
Total: Department of Public Welfare.....		<u>\$800,000.00</u>

Notwithstanding the provisions of any other law to the contrary, all records of the department of public welfare relating to general assistance shall be continuously available for examination by the members of the public welfare board for purposes directly related to the administration of public welfare. The foregoing monies shall not be deemed to have been appropriated to or to be available for expenditure by the department of public welfare unless and until such records have been made available for examination by such members of the board.

SECRETARY OF HAWAII

Publication Session Laws of Hawaii.....	\$ 31,526.00
A. Personal Services	\$ 11,000.00
B. Other Current Expenses	20,526.00
Hawaiian Birth Registration.....	697.00
A. Personal Services	697.00
Secretary's Office	741.00
A. Personal Services	741.00
Expenses of Constitutional Convention.....	78.00
B. Other Current Expenses.....	78.00
Total: Secretary of Hawaii.....	<u>\$ 33,042.00</u>
Industrial Research Advisory Council.....	<u>\$ 5,500.00</u>
B. Other Current Expenses.....	<u>\$ 5,500.00</u>
Total: Industrial Research Advisory Council.....	<u>\$ 5,500.00</u>
GRAND TOTAL	<u><u>\$894,630.00</u></u>

Section 2. All unexpended and unencumbered balances of the appropriations made by this Act as of the close of business on June 30, 1951, shall be lapsed into the general fund of the territory.

Section 3. This Act shall take effect upon its approval.

(Approved May 2, 1951.) H.B. 96, Act 17.

Series F-276: ACT 1

An Act Making a Deficiency Appropriation
From the General Revenues for the Department of Public
Welfare for the Biennium Ending June 30, 1951.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The following sum, or so much thereof as may be necessary, is hereby appropriated from the general revenues of the Territory for the department of public welfare in addition to any appropriation made for the same or similar purposes by other legislation, to wit:

Department of Public Welfare	
F. Fixed charges	\$900,000.00

Section 2. Any unexpended and unencumbered balance of the appropriation made by this Act as of the close of business on June 30, 1951, shall lapse into the general fund of the Territory.

Section 3. This Act shall take effect upon its approval.

(Approved March 5, 1951.) S.B. 30, Act 1.

Series F-277: ACT 15

An Act Making an Appropriation Out of the General Revenues for the Hawaii Employment Relations Board for the Biennial Period Ending June 30, 1951.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The sum of \$6,500.00, or so much thereof as may be necessary, is hereby appropriated for the Hawaii Employment Relations Board for personal services and other current expenses, out of moneys in the treasury received from general revenues.

Section 2. Any unexpended and unencumbered balance of the said appropriation as of the close of business on June 30, 1951 shall be lapsed into the general fund of the treasury.

Section 3. This Act shall take effect upon its approval.

(Approved May 1, 1951.) H.B. 405, Act 15.

BONUS FOR TERRITORIAL EMPLOYEES, 1951-1953.

Series F-278: ACT 322

An Act Relating to the Compensation of Public Officers and Employees and Making an Appropriation Therefor.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The salaries of all public officers and employees who now receive a bonus but whose compensation is not covered by other legislation passed at this regular session of the twenty-sixth legislature, except as provided in section 2 hereof, shall be increased by \$25.00 per month beginning July 1, 1951.

Section 2. There shall be paid to all members of the faculty of the University of Hawaii, including research workers, extension agents, and all personnel engaged in instructional work, in service on June 30, 1951, for the biennial period beginning July 1, 1951 and ending June 30, 1953, an additional amount of \$48.00 each per month.

Section 3. Notwithstanding any provision of law to the contrary, the total compensation for any public officer or employee in service on June 30, 1951 shall not be reduced by any law or laws enacted at this regular session of the twenty-sixth legislature below the total payable prior to the effective date of such law or laws.

Section 4. The sum of \$6,500,000.00, or so much thereof as may be necessary, is hereby appropriated from the general revenues of the territory, in addition to any other sums appropriated for the same or a similar purpose, for the purpose of paying the compensation of public officers and employees whose compensation is payable from the general revenues of the territory, for the biennial period beginning July 1, 1951 and ending June 30, 1953, to be allocated by the Director of the bureau of the budget to each department from time to time as required.

Section 5. This Act shall take effect on July 1, 1951.

(Approved June 18, 1951.) H.B. 5, Act 322.

BONUS FOR PENSIONERS.

Series F-279: ACT 247

An Act Providing a Monthly Twenty-five Dollar Bonus for Pensioners, and Appropriating Funds for Payment Thereof.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Every pension payable under the employees' retirement system of the Territory of Hawaii, or payable under or pursuant to any law of the territory, or by any county, or independent public board or commission, shall be increased by a bonus of twenty-five dollars per month for the period commencing on the first day of the first month immediately succeeding the approval of this Act, and ending June 30, 1953, any provision in any other law to the contrary notwithstanding; **provided**, that where the dependents of a deceased pensioner are receiving pensions by reason of his death, the total only of all amounts paid to such dependents shall be so increased, and the increase herein provided for shall be shared by them in proportion to the respective amounts of pension receivable by them exclusive of this increase.

Section 2. The board of trustees of the employees' retirement system of the Territory of Hawaii is hereby authorized and directed to pay the bonus required by this Act to pensioners under said system, the territorial auditor is hereby authorized and directed to pay the bonus required by this Act to all territorial pensioners who are not under said system, and the appropriate officer of each county, and each independent board or commission hereby affected, is hereby authorized and directed to pay the bonus hereby granted to pen-

sioners whose pensions are payable by said respective counties, boards and commissions, all such payments to be made from allotments pursuant to section 3; and all such boards, commissions and officers are hereby directed to certify to the director of the bureau of the budget, promptly upon the enactment of this Act, the amounts required to meet such bonus payments to and including December 31, 1951, and to similarly certify the amounts required every six months, as directed by the bureau of the budget.

Section 3. There is hereby appropriated from the general revenues of the territory the sum of \$1,075,000.00 to pay the bonus provided for by this Act. Such appropriation shall be allotted by the director of the bureau of the budget, with the approval of the governor, to the several boards, commissions and officers required to make such payments, except where there is a specific provision for payment of the bonus from other funds, and in the case of the counties the moneys so allotted shall be paid into the county treasuries and held in special funds solely for such purpose.

Section 4. This Act shall take effect on July 1, 1951.

(Approved May 29, 1951.) H.B. 4, Act 247.

HAWAII HOUSING AUTHORITY.

Series F-280: ACT 236

An Act to Authorize the Hawaii Housing Authority to Expend for the Housing Purposes Covered by Act 362, Session Laws of Hawaii 1949, \$600,000.00 of the Moneys Appropriated by Act 338, Session Laws of Hawaii 1949.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The Hawaii Housing Authority shall have power to expend, for the purposes and in the manner provided in Act 362 [Series F-343.], Session Laws of Hawaii 1949, for the Lanakila Homes Project and the Mayor Wright Homes Project, \$600,000.00 or so much thereof as may be necessary of the moneys appropriated from the general fund of the Territory by section 7 of Act 338 [Series A-98.], Session Laws of Hawaii 1949.

Section 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 28, 1951.) S.B. 514, Act 236.

Series F-281: ACT 235

An Act to Repeal Section 3 of Act 362 (Ser. F-343) of the Session Laws of Hawaii 1949, Relating to the Hawaii Housing Authority.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 3 of Act 362 (Ser. F-343) of the Session Laws of Hawaii 1949 is hereby repealed, provided that such provision shall not be construed to affect the authority of the Hawaii Housing Authority to proceed with the housing projects named in said section by the use of other funds under its control.

Section 2. This Act shall take effect upon its approval.

(Approved May 28, 1951.) S.B. 457, Act 235.

DEPARTMENT OF INSTITUTIONS.

Series F-282: ACT 150

An Act Making an Appropriation for the Department of Institutions.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. There is hereby appropriated out of the general revenues of the territory not otherwise appropriated the sum of \$70,000.00, or so much thereof as may be needed, for pasture development at Kulani, Hawaii and for that purpose the clearing, seeding and fencing a grazing area, equipment, water development and shelters, and the purchase of livestock.

Section 2. The moneys hereby appropriated shall be expended upon warrants issued by the territorial auditor upon vouchers approved by the director of institutions.

Section 3. This Act shall take effect upon its approval.

(Approved May 23, 1951.) H.B. 707, Act 150.

KAMEHAMEHA DAY CELEBRATIONS.

Series F-283: ACT 131

An Act Relating to the Kamehameha Day Celebration Commission and Making an Appropriation.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. There is hereby appropriated from the general revenues of the Territory of Hawaii, the sum of twenty-seven thousand five hundred dollars (\$27,500.00) which shall be used to defray the expenses of the Kamehameha Day celebration, the said amount to be allotted in the following manner:

(1) For Oahu	\$14,000.00
(2) For Hawaii (excluding Kona and Kohala)....	4,500.00
(3) For Kau	500.00
(4) For Kona	1,250.00
(5) For North Kohala.....	750.00
South Kohala	500.00
(6) For Maui	2,500.00
(7) For Molokai	700.00
(8) For Lanai	300.00
(9) For Kauai	2,500.00

Section 2. The amount herein appropriated shall cover all expenditures of Kamehameha Day celebrations of June 11, 1951, and 1952, by the Kamehameha Day Celebration Commission in the manner and under the provisions established by section 12935 of the Revised Laws of Hawaii 1945, as amended.

Section 3. This Act shall take effect upon its approval.

(Approved May 21, 1951.) H.B. 454, Act 131.

LEGISLATURE'S EXPENSES.

Series F-284: ACT 2

An Act to Appropriate Money for the Expenses of the Twenty-Sixth Legislature of the Territory of Hawaii, to Compensate Certain Members-elect Thereof for Pre-Session Travel and Subsistence, and to Reimburse the Governor's Contingent Fund for Advances Made for Such Expenses.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. There is hereby appropriated from the public treasury the sum of two hundred fifty thousand dollars (\$250,000.00) or

so much thereof as may be necessary, for the purpose of defraying the expenses of the Senate of the Twenty-Sixth Legislature of the Territory of Hawaii for the period commencing February 21, 1951, and ending November 3, 1952.

Section 2. Any balance remaining of the appropriation provided for in section 1, shall revert to the general fund of the Territory.

Section 3. There is hereby appropriated from the public treasury the sum of two hundred seventy-five thousand dollars (\$275,000.00) or so much thereof as may be necessary, for the purpose of defraying the expenses of the House of Representatives of the Twenty-Sixth Legislature of the Territory of Hawaii for the period commencing February 21, 1951, and ending November 3, 1952, and for the further purpose of paying to members-elect of the House of Representatives who were members-designate of the Committee-designate on Finance and who attended meetings of said committee in Honolulu in connection with pre-session hearings on and study of the budget of the Territory of Hawaii for the biennium 1951-1953, for (a) travel expenses paid by them in order to attend and return from said meetings, and (b) subsistence on a per diem basis at the rate of five dollars (\$5.00) per day for members residing on the island of Oahu and of fifteen dollars (\$15.00) per day for members not residing on the island of Oahu for each day or portion of a day spent in attendance at said meetings. The reimbursement herein provided shall be made only after the adoption of an appropriate resolution by the House of Representatives authorizing the payment.

Section 4. Any balance remaining of the appropriation provided for in section 3, shall revert to the general fund of the Territory.

Section 5. The auditor of the Territory of Hawaii shall, prior to the convening of the Twenty-Seventh Legislature, audit the accounts of the Senate and the House of Representatives of the sessions of the Twenty-Sixth Legislature of the Territory of Hawaii.

Immediately upon the completion of the audit, a full report thereon shall be presented to the Senate and to the House of Representatives of the sessions of the Twenty-Seventh Legislature of the Territory of Hawaii.

Section 6. The expenses of any member of the Legislature while traveling abroad on official business of the legislature, shall not be limited by the provisions of section 455 of the Revised Laws of Hawaii 1945 or any other general statute. The expenses of such

member shall be such as may be allowed by the Senate or by the House of Representatives, respectively, as to members of said Senate or of said House of Representatives.

Section 7. The sums of \$25,000.00 advanced to the Senate and of \$27,500.00 advanced to the House of Representatives of said Legislature by the Governor from his contingent fund to defray a portion of the expenses of said Senate and House of Representatives for the period commencing February 21, 1951 shall be reimbursed to said contingent fund from the sums herein appropriated for the expenses of the Senate or of the House of Representatives, respectively.

Section 8. Each section of this Act is hereby declared to be severable from the remainder of said Act.

Section 9. This Act shall take effect upon its approval.

(Approved March 21, 1951.) S.B. 1, Act 2.

SCHOLARSHIP FUND FOR GRADUATE NURSES.

Series F-285: ACT 315

An Act Establishing a "Scholarship Fund for Graduate Nurses", Making an Appropriation Therefor, and Prescribing Powers and Duties of the Board for the Licensing of Nurses.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. There is hereby appropriated out of the general revenues of the Territory of Hawaii, not otherwise appropriated, the sum of \$10,000.00, which sum is to be known as the "Scholarship Fund for Graduate Nurses", and to be expended by the board for the licensing of nurses for the Territory of Hawaii, pursuant to the provisions of this Act.

Section 2. Moneys in the fund established by this Act are to be expended for the awarding of scholarships to nurses who are graduates of accredited schools of nursing, and who are local born residents, and who are eligible for matriculation at an accredited college or university for a program of study and training leading to a baccalaureate or higher degree.

Section 3. The board for the licensing of nurses shall, before making an award of any scholarship, enter into a contract with any person receiving such scholarship assistance, under the terms of which contract the person so receiving assistance

shall agree to accept a supervisory, teaching or administrative position in the field of nursing in the Territory for a period of not less than two years following the completion of the program of study and training.

Section 4. The scholarship fund hereby created shall be set apart as a separate account under the administration of the board for the licensing of nurses for the territory of Hawaii.

Section 5. The amount, number and type of scholarships granted from this fund shall be determined by the board of licensing of nurses, upon the basis of the qualifications of the individuals making application for scholarship assistance, and on the basis of the need for nursing services within the territory.

Section 6. This Act shall take effect on July 1, 1951.

(Approved June 13, 1951.) H.B. 485, Act 315.

PUBLIC WORKS (FOR BLIND PERSONS).

Series F-286: ACT 207

An Act Making an Appropriation for the Department of Public Works of the Territory of Hawaii.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. There is hereby appropriated out of the general revenues of the Territory, for the biennial period beginning July 1, 1951 and ending June 30, 1953, the sum of \$15,000.00, or so much thereof as shall be necessary, for the department of public works of the Territory of Hawaii to be expended in the construction, establishment, repair and maintenance of vending stands operated by blind persons under licenses from the bureau of sight conservation and work with the blind.

Section 2. This Act shall take effect July 1, 1951.

(Approved May 28, 1951.) S.B. 492, Act 207.

SURVEY OF PUBLIC LANDS.

Series F-287: ACT 260

An Act Making an Appropriation for the Survey and Opening Up of Public Lands for Lease or For Sale and Providing for the Disposition of the Proceeds of Such Lease or Sale.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. There is hereby appropriated from the general revenues of the Territory of Hawaii the sum of \$75,000.00 to be expended by the surveyor of the Territory for the survey of such public lands as the board of public lands may in its discretion determine should be surveyed and opened up for lease or sale.

Section 2. Upon the completion of the appropriate surveys which shall be designated by said board of public lands, said board shall proceed to sell or to lease the lands so surveyed or such portion of them as appear to be in general public demand.

Section 3. The said appropriation shall be expended upon warrants drawn by the territorial auditor or the treasurer, based upon vouchers approved by the commissioner of public lands and shall be repaid and reimbursed to the general fund of the Territory from the proceeds of sale of public lands within such county wherein the same have been expended.

Section 4. This Act shall take effect upon its approval.

(Approved June 1, 1951.) S.B. 391, Act 260.

PORTRAIT OF GOVERNOR STAINBACK.

Series F-288: ACT 248

An Act Making an Appropriation for an Oil Portrait of the Honorable Ingram M. Stainback.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The sum of \$3,500.00 or so much thereof as may be necessary, is hereby appropriated from the general revenues of the territory not otherwise appropriated, for an oil portrait of the Honorable Ingram M. Stainback, former governor of the Territory of Hawaii.

Section 2. The governor of the Territory of Hawaii is hereby authorized to contract with an artist selected by him subject to

the approval of the Honorable Ingram M. Stainback, for the painting of such portrait.

* Section 3. The sum herein appropriated shall be expended upon warrants issued by the auditor upon vouchers approved by the governor of the Territory of Hawaii, provided however that the artist selected shall be a citizen of the United States and a resident of the Territory of Hawaii for at least three years prior to the date hereof, unless it is not reasonably practicable to obtain a competent person with the foregoing qualifications, in which case the services of a person without such qualifications may be obtained.

Section 4. This Act shall take effect upon its approval.

(Approved May 29, 1951.) **H.B. 777, Act 248.**

HAWAII STATEHOOD.

Series F-289: ACT 70

An Act Making an Appropriation for the Purposes of Act 365 of the Session Laws of 1949, Relating to Statehood for Hawaii.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. There is hereby appropriated from the general revenues of the Territory of Hawaii the sum of one hundred fifty thousand dollars (\$150,000.00) to be expendable in the same manner and for the same purposes as the appropriation made by Act 365 of the Session Laws of 1949. The appropriation hereby made shall be in addition to the appropriation made by said Act 365 of the Session Laws of 1949 or any other appropriation made for the same or similar purposes.

Section 2. This Act shall take effect upon its approval.

(Approved May 16, 1951.) **H.B. 2, Act 70.**

VETERANS' CEMETERIES.

Series F-290: ACT 179

An Act to Provide for the Establishment and Improvement of Veterans' Cemeteries.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The sum of \$65,000.00 is hereby appropriated from the general revenues of the territory, not otherwise appropriated, for the purpose of the establishment and improvement of the veterans' cemeteries authorized by Act 214 [Series E-190.] of the Session Laws of Hawaii 1947, said sum to be apportioned among the cemeteries on the various islands as follows:

Island of Hawaii.....	\$20,000.00
Island of Maui.....	20,000.00
Island of Molokai	5,000.00
Island of Kauai	20,000.00

The sum hereby appropriated shall be in addition to any other sums appropriated for the same or a similar purpose and shall be apportioned among and paid over to the treasurers of the respective counties including the above islands by the treasurer of the territory to be held and expended by the boards of supervisors of the respective counties for the purpose aforesaid.

Section 2. This Act shall take effect upon its approval.

(Approved May 28, 1951.) H.B. 185, Act 179.

WASHINGTON PLACE.

Series F-291: ACT 210

An Act Providing for the Repair of and Purchase of Equipment, Furniture and Fixtures for Washington Place, and Making an Appropriation Therefor.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The sum of \$30,000.00, or so much thereof as may be necessary, is hereby appropriated from the general revenues of the Territory for Washington Place, the residence of the governor, as follows:

1. Repairs to building.....	\$20,000.00
2. Purchase of equipment, furniture and fixtures....	10,000.00

Section 2. Said appropriation shall be expended by the superintendent of public works but only after approval by the governor of the repair work planned and the equipment, furniture and fixtures to be purchased. In the expenditure of said appropriation, purchases or repairs may be made without submitting any item to competitive bids.

Section 3. This Act shall take effect upon its approval.

(Approved May 28, 1951.) **S.B. 527, Act 210.**

REHABILITATION OF THE NENE.

Series F-292: ACT 68

An Act Making an Appropriation for the Rehabilitation of the Nene (Hawaiian Goose).

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The sum of \$6,000.00 is hereby appropriated from the general revenues of the territory not otherwise appropriated to be expended by the board of commissioners of agriculture and forestry for the purpose of rehabilitating the nene (Hawaiian goose), including the purchase of food, feed, supplies, equipment, medicines, drugs, and the payment of the cost of personal services.

Section 2. This Act shall take effect upon its approval.

(Approved May 15, 1951.) **H.B. 214, Act 68.**

RELIEF OF PERSONS.

Series F-293: ACT 300

An Act for the Relief of Certain Persons, Firms and Corporations on Account of Overpayment of Taxes and Other Claims Against the Territory, and Providing Appropriations Therefor.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The following respective sums of money are hereby appropriated out of the general revenues of the Territory of Hawaii for the purpose of reimbursing the following named persons, firms and corporations, for overpayment of taxes or for taxes illegally collected, or on account of other claims against the territory, in the amounts set opposite their respective names:

Advertiser Publishing Company	
Extra cost over and above contract price for printing, binding and publishing Session Laws of 1949.....	\$6,849.15
Affonso, Christian	
Refund of personal property taxes paid.....	32.12
Aguiar, Henry L.	
Refund of real property taxes paid.....	32.01
Aguiar, Richard De	
Refund of real property taxes paid.....	77.65
Ahuna, Zepherinus K.	
Refund of real property taxes paid.....	13.84
Aki, Elizabeth Ahia	
Refund of real property taxes paid.....	43.33
Apana, Henry K.	
Services rendered as employee of board of harbor commissioners in July 1946.....	25.56
Aungst, Luther S.	
Refund of real property taxes paid.....	58.10
Cadinha, Louis V.	
Refund of real property taxes paid.....	33.78
Chock, Wah Hop	
Refund of real property taxes paid.....	112.06
Chu, Ruby L.	
Refund of real property taxes paid.....	194.40
Cockett, W. E.	
Refund of real property taxes paid.....	73.38
Corbaley, Carroll D.	
Refund of net income taxes.....	109.87
Corbett, Honorable Gerald R.	
Adjustment in salary as Secretary of Hawaii.....	259.00
Ferreira, Antone L.	
Refund of personal property taxes paid.....	30.09
Furukawa, Thomas	
Salary increments not paid for school year 1948-49.....	120.00
Gramberg, F. W.	
Refund of real property taxes paid.....	100.89
Hamamura, Mrs. Otaka M.	
Outlawed salary warrant.....	160.96
Hilo Tribune-Herald, Limited	
Refund of real property taxes paid.....	314.84
Honolulu Rapid Transit	
Refund of public utility taxes overpaid.....	1,771.79
Ikeda, Kazuo	
Refund of poll taxes paid.....	10.00
Joseph, Sister Herman	
Outlawed pension warrant.....	65.00
Kekahuna, Lynch	
Advances to Hoolehua Store and Hoolehua Company, Limited, Molokai (Not approved).....	3,302.97
Love, Edith M.	
Refund of real property taxes paid.....	48.22

PAYMENT OF CLAIMS

Sr. F-293

Mahelona, David K.	
Refund of real property taxes paid.....	605.37
Muraoka, Kaoru	
Refund of net income taxes paid.....	28.64
Nylen, A. R.	
Outlawed warrants issued to A. R. Nylen and Jack Altman (\$59.68) and A. R. Nylen and wife (\$14.27).....	73.95
Olson, Gustaf W.	
Refund of real, gross and compensation taxes paid.....	372.09
Pahoa Community Association	
Refund of gross income taxes paid.....	145.31
Rapozo, Jr., M. C.	
Refund of personal property taxes paid.....	15.26
Sakata, Richard T.	
Refund of net income taxes paid.....	39.53
Shipyards restaurants, U. S. Naval Shipyard, Pearl Harbor	
Refund of net income taxes.....	2,106.97
(This amount shall be paid to the said claimant only if the attorney general of the territory shall issue an opinion to the effect that the taxes were not properly collectible or payable.)	
Shipyards restaurants, U. S. Naval Shipyard, Pearl Harbor	
Refund of personal property taxes.....	716.54
(This amount shall be paid to the said claimant only if the attorney general of the territory shall issue an opinion to the effect that the taxes were not properly collectible or payable.)	
Uchima, George Y.	
Refund of personal property taxes paid.....	25.71
Williams, E. A. K.	
Remuneration for land now being used as territorial highway	151.39
(This amount shall be payable only upon the condition that the claimant shall furnish to the territory a quitclaim deed executed by himself and any other persons having any paper title to the lands in question, or upon the condition that the said claimant shall furnish to the territory a full release of future claims and an agreement to hold the territory harmless against future claims based upon title to the lands in question).	
Wong, Arthur M. O.	
Refund of poll taxes paid.....	6.60
Hilo General Contractors.....	330.00
(For uncashed territorial check.)	

Section 2. The sums hereinabove appropriated shall be paid upon warrants issued by the territorial auditor upon vouchers approved by the tax commissioner in the several amounts and to the respective persons hereinabove set out, as to said claims for taxes, and shall be paid upon warrants issued by said auditor upon vouchers approved by the director of the bureau of the budget as to all other claims.

Section 3. Any amounts so paid which shall represent property taxes overpaid or illegally collected shall constitute an advancement to the county in which such taxes have been collected, and shall be repaid by the treasurer of the territory into the general fund of the territory by retaining the amount from the next collection of such taxes on account of such county and paying the same into said general fund.

Section 4. This Act shall take effect upon its approval.

(Approved June 9, 1951.) H.B. 250, Act 300, except as to item \$3,302.97 for Lynch Kekahuna.

Series F-294: ACT 324

An Act to Authorize the Director of Institutions to Settle the Claims of Certain Employees of Oahu Prison for Services Rendered.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The director of institutions is hereby authorized to pay the following sums to the following persons for extra services performed by them as employees of Oahu Prison during the period from January 1, 1943, to and including June 30, 1949:

Apuna, Lily	\$149.72
Auld, William	18.44
Burke, Frank	4.03
Chang, Awan	172.76
Chang, John	167.69
Coiner, Kyle	102.95
Correa, Joaquin	67.97
DeFries, Hiram	33.02
Gay, Hubert	29.25
Hall, Joseph	19.96
Ignacio, Abraham	34.15
Jusinski, Charles	18.45
Kapeliela, Solomon	202.26
Kapoi, Moses	179.55
Kauihou, James	101.50
Kekauoha, Ethan	206.72
Lanning, Carl H.	156.68
Lee, Thomas	27.68
Leslie, Anna P.	42.38
Lindsey, Richard	13.54
Meheula, Henry	5.77
Naauao, Robert	183.79
Newcomb, Paul	33.63

PAYMENT OF CLAIMS**Sr. F-295**

Olim, Antone	180.33
Pacheco, John	107.22
Paresa, Joseph	19.50
Rodrigues, Alfred	56.88
Ronquillio, Henry	16.14
Sackwitz, William C.	12.10
Schilling, Gustave	161.36
Stempler, Michael	98.01
Tavares, Joseph	19.60
Waters, Luke	28.86
White, James	63.19
Wong, Anthony	11.53
Wright, Elias	33.61
Berry, David	73.58
Hopkins, William	99.58
Kawai, David	77.93
Lopes, William	60.26
Oliviera, Sylvester	72.84
Houghtailing, Daniel	181.74
Lindsey, James	167.82
Alana, John M.	24.79
Haina, William	18.51
Kahapea, William	34.46
Kapua, Joseph K.	104.82

Section 2. The foregoing sums shall be paid upon warrants of the auditor, drawn against the \$941,218.00 appropriation for Oahu Prison contained in Act 335 of the Session Laws of Hawaii 1949, and based upon vouchers of the director of institutions.

Section 3. This Act shall take effect upon its approval.

(Approved June 18, 1951.) H.B. 434, Act 324.

Series F-295: ACT 109

An Act Appropriating \$3,000.00 from the Territorial General Fund for the Relief of Mrs. Edith K. De Matta.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. There is hereby appropriated from the territorial general fund the sum of three thousand dollars (\$3,000.00), the same to be paid to Mrs. Edith K. De Matta for injuries sustained by her at the Oahu Prison on July 14, 1950, while engaged in her duties at Oahu Prison as a volunteer school teacher.

Section 2. This Act shall take effect upon its approval.

(Approved May 18, 1951.) H.B. 206, Act 109.

Series F-296: ACT 312

An Act for the Relief of Kotohira Jinsha, a Religious Corporation.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The tax commissioner is hereby authorized and directed to remit any and all taxes due and unpaid on real property owned by Kotohira Jinsha, an ecclesiastical, eleemosynary corporation, whenever assessed, and whether assessed when the same was under the control of the alien property custodian or after return thereof to said Kotohira Jinsha.

Section 2. This Act shall take effect upon its approval.

(Approved June 12, 1951.) H.B. 897, Act 312.

Series F-297: ACT 52

An Act Making Available an Appropriation From the General Revenues of the Territory for the Claim of Lawrence W. Campos for the Loss of Certain Hogs.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The sum of \$13,923.79 or so much thereof as may be necessary is hereby appropriated from the general revenues of the territory not otherwise appropriated for the purpose of paying any legally adjudicated claim of Lawrence W. Campos for and on account of any loss in connection with the shipment of 317 hogs to Hawaii on the S. S. Hawaiian Merchant, Voyage 18, arriving Honolulu on or about April 27, 1949 alleged to be caused by the territory or any of its officers, employees or agents.

Section 2. Any claim presented by said Lawrence W. Campos shall not be deemed a legally adjudicated claim within the contemplation of section 1 unless it shall be found to be a valid legal claim by a court of competent jurisdiction in a final judgment against the territory. Upon presentation to the auditor of the territory of a certified copy of such final judgment the sum hereby appropriated shall be paid to the extent of said judgment upon a warrant duly issued by said auditor of the territory.

Section 3. For the purpose of this Act and the adjudication of any such claim, the immunity of the territory to suit is hereby waived and said Lawrence W. Campos may proceed against the territory as in the case of any other defendant, subject to the same procedures and defenses except for the defense of immunity from

suit; **provided** that nothing contained herein shall be construed as an admission of liability on the part of the territory.

Section 4. This Act shall take effect upon its approval.

(Approved May 10, 1951.) H.B. 100, Act 52.

Series F-298: ACT 143

An Act Making Available an Appropriation from the General Revenues of the Territory for the Claim of Emil Carreira and Dolinda Carreira, Parents of Robert Carreira, Deceased, or His Personal Representative, for the Death of Said Robert Carreira.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The sum of \$10,500.00 or so much thereof as may be necessary is hereby appropriated from the general revenues of the territory not otherwise appropriated for the purpose of paying any legally adjudicated claim of the parents, Emil Carreira and Dolinda Carreira, or the personal representative, or both, of Robert Carreira, for and on account of the death of said Robert Carreira alleged to be due to the negligence of the territory or of its officers or employees.

Section 2. Any claim presented by said parents or legal representative or both shall not be deemed a legally adjudicated claim within the contemplation of section 1 unless it shall be found to be a valid legal claim by a court of competent jurisdiction in a final judgment against the territory. Upon presentation to the auditor of the territory of a certified copy of such final judgment the sum hereby appropriated shall be paid to the extent of said judgment upon a warrant duly issued by said auditor of the territory.

Section 3. For the purposes of this Act and the adjudication of any such claim, the immunity of the territory to suit is hereby waived and said parents and personal representative may proceed against the territory as in the case of any other defendant, subject to the same procedures and defenses except for the defense of immunity from suit and except that the statute of limitations shall be deemed to run only from and after the effective date of this Act; **provided**, that nothing contained herein shall be construed as an admission of liability on the part of the territory.

Section 4. This Act shall take effect upon its approval.

(Approved May 23, 1951.) H.B. 99, Act 143.

Series F-299: ACT 242

An Act Making Available an Appropriation From the General Revenues of the Territory for the Claim of E. L. Wung and Others Relating to the Parcel of Land Described in L. C. A. 9249-C.R. P. 7098 to Kuapalahalaha.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The sum of \$25,000.00, or so much thereof as may be necessary, is hereby appropriated from the general revenues of the territory not otherwise appropriated for the purpose of paying any legally adjudicated claim of E. L. Wung who claims to be the owner of that certain parcel of land situated in the district of Puna, county and Territory of Hawaii, described in L.C.A. 9249-C.R. P. 7098 to Kuapalahalaha, for loss and damages to said land and incident to the ownership and occupancy of said land alleged to be due to the negligence, acts, or orders of the territory or of its officers or employees.

Section 2. Any claim presented by said E. L. Wung alleged owner of said parcel of land shall not be deemed a legally adjudicated claim within the contemplation of section 1 unless it shall be found to be a valid legal claim by a court of competent jurisdiction in a final judgment against the territory. Upon presentation to the auditor of the territory of a certified copy of such final judgment the sum hereby appropriated shall be paid to the extent of said judgment upon a warrant duly issued by said auditor of the territory, **provided** said amount shall be payable to said E. L. Wung only upon his executing and delivering to said auditor a satisfaction of judgment, a receipt and release in full of and for all claims and demands whatsoever which he may have against the Territory of Hawaii arising out of, or in connection with, or relating to, said matter or any manner whatsoever incidental thereto.

Section 3. For the purposes of this Act and the adjudication of any such claim, the immunity of the territory to suit and existing Statute of Limitations is hereby waived and suit on such claim is expressly authorized and said E. L. Wung may proceed against the territory as in the case of any other defendant, subject to the same procedures and defenses except for the defense of immunity from suit; **provided** that nothing contained herein shall be construed as an admission of liability on the part of the territory, **provided** further however, that nothing herein contained shall authorize the commencement of

any such action or suit at any time after the expiration of two years from the effective date of this Act.

Section 4. This Act shall take effect upon its approval.

(Approved May 28, 1951.) H.B. 1097, Act 242.

REMISSION OF TAXES.

Series F-300: ACT 311

An Act Relating to Taxation, Providing for Remission, Refunding, or Crediting of Taxes on Certain Real Properties Damaged or Destroyed by Flood and for Deduction in Computing Income Taxes of the Amount of Flood Loss Not Compensated by Insurance or Otherwise.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Remission of taxes. The tax commissioner is hereby authorized to remit the taxes due on real property damaged or destroyed by the flood on the island of Oahu, on or about March 26, 1951, for the remainder of the tax year 1951, as follows:

(a) If such property was wholly destroyed, the amount remitted shall be three-fourths of the total tax on such property for the year 1951.

(b) If such property was partially destroyed or was damaged, there shall be determined by the tax commissioner what percentage of the value of the whole property was destroyed or otherwise lost by reason of said flood, and such percentage shall be applied to the total tax on such property. Of the amount of tax so determined, three-fourths shall be remitted.

Section 2. Remission of taxes. The tax commissioner is hereby authorized to remit the taxes due on real property damaged or destroyed by flood on December 3 and 4, 1950, at Happy Valley, Maui, for the tax year 1950, as follows:

(a) If such property was wholly destroyed, the amount remitted shall be one-half of the total tax on such property for the year 1950.

(b) If such property was partially destroyed or was damaged, there shall be determined by the tax commissioner what percentage of the value of the whole property was destroyed or otherwise lost by reason of said flood, and such percentage shall be applied to the total tax on such property. Of the amount of tax so determined, one-half shall be remitted.

The provisions of this section shall be applicable only to loss or damage caused by flood waters overflowing the banks or walls of Iao river.

Section 3 Remission of taxes. The tax commissioner is hereby authorized to remit the taxes due on real property damaged or destroyed by floods in 1950 and 1951 at Naalehu and Waiohinu, Hawaii, for the tax years 1950 and 1951 as follows:

(a) If such property was wholly destroyed, the amount remitted shall be the total tax on such property for the years 1950 and 1951.

(b) If such property was partially destroyed or was damaged, there shall be determined by the tax commissioner what percentage of the value of the whole property was destroyed or otherwise lost by reason of said floods, and such percentage shall be applied to the total tax on such property. The amount of tax so determined shall then be remitted.

Section 4. Application. (a) Any person who heretofore has filed with the tax commissioner an application for relief on account of flood loss, or a notice of such loss in any form (including, without prejudice to the generality of the foregoing, notice in the form of an appeal from the assessment of the property involved), need not file a further application in order to obtain the remission of taxes unpaid on the property designated in such application or notice. In all other cases application for remission of unpaid taxes shall be filed in the form prescribed by the tax commissioner, on or before December 31, 1951.

(b) Application for refunds. In every instance in which a refund or credit is sought on account of taxes authorized to be remitted by section 1 of this Act, which have been paid, application therefor shall be filed with the tax commissioner on or before December 31, 1951, whether or not an application or notice heretofore has been filed.

Section 5. Refunds, how made. Any amount of taxes authorized to be remitted by section 1 of this Act, which has been paid, shall be refunded upon proper application out of real property tax collections of the county concerned, or the refundable amount may be credited against real property taxes of the proper county, due from the applicant.

Section 6. Any person who suffered a loss of property as a result of the floods on December 3 and 4, 1950, at Happy Valley, Maui, may, in computing his income tax under chapter 102 of the Revised Laws of Hawaii 1945, deduct for the

calendar year 1950 or the fiscal year of the taxpayer in which December 3 and 4, 1950, are included, the amount of such loss not compensated for by insurance or otherwise, and any excess of such loss over and above the net taxable income of such person computed without regard to such loss shall similarly be allowed as a deduction in computing the net income of the taxpayer for the succeeding four taxable years. Any person entitled to such deduction who has filed a return as provided in section 5519 of the Revised Laws of Hawaii 1945 for the taxable year including December 3 and 4, 1950, may file an amended return within one year after such return was due under section 5519, claiming the loss carry-over provided for herein. The provisions of this section shall be applicable only to loss or damage caused by flood waters overflowing the banks or walls of Iao river.

Section 7. This Act shall take effect upon its approval.

(Approved June 12, 1951.) H.B. 818, Act 311.

SALE OF OAHU PRISON LANDS.

Series F-301: ACT 314

An Act Relating to Territorial Prisons.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Subject to the following conditions, the commissioner of public lands is hereby requested to sell in accordance with the provisions of Act 73 of the Hawaiian Organic Act any or all of the real property now occupied or used by Oahu Prison and located at Kalihi-Kai, city and county of Honolulu.

A. The Pacific War Memorial Commission as established by Act 288 of the Session Laws of Hawaii 1949, shall present to the governor upon his request a plan delineating such portion or portions of the said Oahu Prison lands as may be required to carry out the intent and purpose of Senate Joint Resolution No. 62 of the Twenty-sixth Legislature. The governor shall then determine the land areas required by the Pacific War Memorial Commission which areas then shall be excluded from the sale as requested in this section.

B. Areas available for sale may then be placed on the market by the commissioner of public lands as soon as and to the extent that the same is made available to the commissioner from time to time for sale.

Section 2. The moneys derived from such sale or sales is hereby appropriated to the department of institutions to be expended upon vouchers approved by the director of said department for the purpose of (1) constructing, equipping and furnishing a new territorial prison on the island of Oahu, including the acquisition of lands and the cost of appraisals, surveys and plans therefor, and (2) constructing, improving and equipping prison facilities at Kulani prison camp, county of Hawaii, and Olinda prison camp, county of Maui; **provided**, however, that the authorized expenditures for said Kulani prison camp shall not exceed the sum of \$250,000.00 and the authorized expenditures for said Olinda prison camp shall not exceed the sum of \$25,000.00, and the authorized expenditures for all purposes shall not exceed the amount realized from the sale or sales requested by section 1 of this Act, and the director of institutions shall not in any event commit the territory, by contract or otherwise, to expenditures for the purposes of this Act which in the aggregate exceed the amount realized from such sale or sales.

Section 3. In the event that any balance remains from the said moneys derived from such sale or sales, after making the expenditures authorized under this Act, the same shall remain available to the department of institutions for the improvement of said Kulani prison camp, Olinda prison camp, and any additional prison facilities constructed on Oahu, but only as authorized by the legislature.

Section 4. The director of institutions is authorized and empowered to use prison labor in connection with any of the purposes of this Act.

Section 5. This Act shall take effect upon its approval.

(Approved June 13, 1951.) H.B. 372, Act 314.

KAPALAMA-KAI FILL.

Series F-302: ACT 214

An Act Amending Act 61 of the Special Session Laws of Hawaii 1941, Relating to an Appropriation for the Filling of Certain Territorial Lands Situate at Kapalama-kai Under the Control of the Commissioner of Public Lands.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Subparagraph 1 of section 1 of Act 61 [Series E-69.] of the Special Session Laws of Hawaii 1941 is hereby amended by deleting therefrom the phrase “, as may be designated by him, with dredged material excavated and removed in the development of Kapalama Basin by the United States of America”.

Section 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 28, 1951.) S.B. 538, Act 214.

SURPLUS PROPERTY REVOLVING FUND,
ABOLISHED.

Series F-303: ACT 211

An Act Abolishing the Revolving Fund for the Purchase of Surplus Property from the Federal Government.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Act 207 (Ser. F-248) of the Session Laws of Hawaii 1945 is hereby repealed. All moneys to the credit of the revolving fund for the purchase of surplus property from the federal government shall be transferred to the general fund of the Territory. The sum of \$57,373.10 owing to said revolving fund by the department of public works of the Territory in connection with the construction of a road from Kanaio to Nu'u, island of Maui, shall be repaid from the proceeds of sales of public lands in the county of Maui and shall be paid into the general fund of the Territory.

Section 2. This Act shall take effect upon its approval.

(Approved May 28, 1951.) S.B. 530, Act 211.

HAWAII COUNTY.

Series F-304: ACT 8

An Act to Amend an Act Entitled "An Act Relating to the County of Hawaii Extra Tax on Liquid Fuel, and the Expenditure of the Proceeds Thereof", Being Act 54 [Series F-359.] of the Session Laws of 1949, by Amending Item 7 of Section 3 Thereof, and Reappropriating the Sum for Such Item.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Item 7 of section 3 of the Act cited in the title hereof is hereby amended to read as follows:

"7. Construct road on government land of Kapaa from Mahukona—Hawi Road to Kapaa Bay, and an automobile parking area at Kapaa Bay\$10,000.00.

In the event the entire sum of \$10,000.00 is not required for the foregoing purposes, any unexpended balance shall be used for the development and maintenance of other parking areas in the district of North Kohala, and said sum is hereby reappropriated for item 7 as amended." [L. 1949, c. 54, pt. of s. 2; am. L. 1951, c. 8, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved April 27, 1951.) H.B. 150, Act 8.

Series F-305: ACT 40

An Act Relating to the Clearing, Development and Improvement of Kaumana Park, South Hilo, County of Hawaii, and Amending Act 102 (Series F-227) of the Session Laws of Hawaii 1947.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Act 102 (Series F-227) of the Session Laws of Hawaii 1947, as amended by Act 91 (Series F-360) of the Session Laws of Hawaii 1949, is hereby further amended by changing the period at the end of section 1 of said Act 102 to a comma and adding the following:

"and for the clearing, development and improvement of the area thus acquired for such school recreational and public park purposes."

Section 2. The sum originally appropriated by said Act 102 is hereby appropriated for the purposes of said Act 102 as hereby amended.

Section 3. This Act shall take effect upon its approval.

(Approved May 4, 1951.) H.B. 829, Act 40.

Series F-306: ACT 299

An Act Relating to Governmental Office Buildings in the County of Hawaii and Providing for the Construction and Financing Thereof.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The commissioner of public lands is hereby requested to sell in accordance with the provisions of section 73 of the Hawaiian Organic Act all of the real property owned by the Territory of Hawaii in the city of Hilo now occupied or used by the territory or the county of Hawaii for the housing of governmental offices, being specifically the board of health site, tax office site, former Hilo Tribune Herald site, the old county library site, the survey and board of health site, and county offices site, as soon as and to the extent that the same is made available to the commissioner from time to time for sale.

Section 2. The moneys derived from such sale or sales are hereby appropriated to the territorial superintendent of public works for construction of a territorial office building and the acquisition by purchase or condemnation of the following lands: the area bounded by Kinoole Street, Wailuku Drive, Ululani Street and Waianuenue Street. The proceeds of such sales shall be paid over by the commissioner of public lands to the territorial treasurer for the uses and purposes of the superintendent of public works as herein set forth.

Section 3. This Act shall take effect upon its approval.

(Approved June 9, 1951.) H.B. 1096, Act 299.

Series F-307: ACT 28

An Act Authorizing the Payment of Pay Increments for Certain Periods for Employees of the County of Hawaii to be Paid out of Certain Appropriations.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The county of Hawaii is hereby authorized to expend the sum of six thousand nine hundred seventy-one dollars and forty-one cents (\$6,971.41) from funds under its control for the purpose of paying increases in compensation under the provisions of section 109 of the Revised Laws of Hawaii 1945 which should have been (but for the lack of appropriation) granted to employees of the county of Hawaii for the period beginning January 1, 1950, up to and including March 31, 1950, all dates inclusive, which increases are hereby authorized, and the appropriate officials are hereby directed to effect such payments.

Section 2. This Act shall take effect upon its approval.

(Approved May 4, 1951.) H.B. 154, Act 28.

Series F-308: ACT 285

An Act Making an Appropriation for the Purchase and Installation of a Water Main From Kamuela, Waimea, to Kawaihae, in the County of Hawaii.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The sum of \$260,000.00, or so much thereof as may be necessary, is hereby appropriated from the general revenues of the Territory for the purchase and installation of a water main from Kamuela, Waimea, to Kawaihae, in the county of Hawaii.

Section 2. The sum herein appropriated shall be expended upon warrants drawn by the territorial auditor or the treasurer, based upon vouchers approved by the superintendent of public works and shall be repaid and reimbursed to the general fund of the Territory from the proceeds of sale or rental of public lands within the county of Hawaii.

Section 3. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved June 9, 1951.) S.B. 426, Act 285.

Series F-309: ACT 111

An Act to Amend Act 73 of the Session Laws of Hawaii 1947 Relating to Federal Aid Highways in the County of Hawaii and Making Appropriations Therefor.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Act 73 [Series F-210.], Session Laws of Hawaii 1947 is hereby amended by deleting the words and figures "The sum of Five Million Eight Hundred Fifty Thousand Dollars (\$5,850,000)" as the same now appear in lines 1 and 2 of section 1 of said Act, and substituting in lieu thereof the words and figures "The sum of Eight Million One Hundred Thousand Dollars (\$8,100,000)".

Section 2. This Act shall take effect upon its approval.

(Approved May 19, 1951.) H.B. 26, Act 111.

Series F-310: ACT 63

An Act Ratifying and Approving an Agreement Between the County of Hawaii and the Hawaii Aeronautics Commission.

WHEREAS, in November 1950 the county of Hawaii offered the Hawaii Aeronautics Commission to provide the labor and materials necessary to repair the surface of the airplane landing fields at Kamuela and Upolu Point and to relocate the entrance road to General Lyman Field, together with other necessary general rehabilitation work at all three sites, if the Hawaii Aeronautics Commission would pay to the county of Hawaii the cost of such labor and materials, and the Hawaii Aeronautics Commission accepted the offer of the county of Hawaii; and

WHEREAS, the county of Hawaii has performed the work at Kamuela, and intends to perform the work at Upolu Point and General Lyman Field; and

WHEREAS, a question has arisen as to whether the Hawaii Aeronautics Commission may properly pay the county of Hawaii for the work which it has performed and will perform under the agreement; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The above-described November 1950 contract between the county of Hawaii and the Hawaii Aeronautics Com-

mission is hereby ratified and approved, and the Hawaii Aeronautics Commission may pay the county of Hawaii for all work performed or to be performed thereunder.

Section 2. This Act shall take effect upon its approval.

(Approved May 10, 1951.) H.B. 692, Act 63.

HONOLULU, CITY AND COUNTY OF.

Series F-311: ACT 238

An Act for the Relief of Farmers at Waimanalo, Kailua, and Kaneohe, Oahu; Authorizing the Farm Loan Board of Hawaii to Make Loans Not Exceeding One Thousand Dollars to Such Farmers.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The farm loan board of Hawaii is hereby authorized and directed to make loans to all farmers suffering financial losses at Waimanalo, Kailua, and Kaneohe, Oahu, occasioned by the recent storm and flood without regard to the purposes of such loans as set forth in section 4675 of the Revised Laws of Hawaii 1945; **provided**, however, any such loan shall be limited in amount to one thousand dollars and shall be payable within three years from the date thereof, together with interest at two per cent per annum on the outstanding principal balance. The determination of the farm loan board of Hawaii as to the value of the security offered shall be final and conclusive.

Section 2. Except as modified by the authorization contained in section 1, the provisions of chapter 81 of the Revised Laws of Hawaii 1945 shall remain in full force and effect.

Section 3. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 28, 1951.) S.B. 577, Act 238.

Series F-312: ACT 273

An Act Appropriating Money to Reimburse the City and County of Honolulu for the Cost of Sewer Improvements in Improvement District No. 63 (Kaimuki-West Sewerage, Section 1) and in Improvement District No. 73 (Kaimuki-West Sewerage, Section 2).

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The sum of one thousand eight hundred thirty-eight dollars and twelve cents (\$1,838.12) is hereby appropriated out of the general fund of the Territory of Hawaii, not otherwise appropriated, to reimburse the city and county of Honolulu for payments to be made by it under the provisions of section 6704 of the Revised Laws of Hawaii 1945, as amended, for sewer improvements to be constructed within improvement district No. 63 (Kaimuki-West Sewerage, Section 1).

Section 2. The sum of twenty-five thousand nine hundred forty-five dollars (\$25,945.00) is hereby appropriated out of the general fund of the Territory of Hawaii, not otherwise appropriated, to reimburse the city and county of Honolulu for payments to be made by it under the provisions of section 6704 of the Revised Laws of Hawaii 1945, as amended, for sewer improvements to be constructed within improvement district No. 73 (Kaimuki-West Sewerage, Section 2).

Section 3. The moneys hereby appropriated shall be paid over to the treasurer of the city and county of Honolulu by the treasurer of the Territory of Hawaii when and as requested by resolution of the board of supervisors of the city and county of Honolulu.

Section 4. This Act shall take effect upon its approval.

(Approved June 9, 1951.) S.B. 166, Act 273.

Series F-313: ACT 274

An Act Appropriating the Sum of Two Thousand Nine Hundred Sixteen Dollars and Eighty-Four Cents (\$2,916.84) to Reimburse the City and County of Honolulu for Moneys Expended for the Extension of Secondary Sewer Facilities to the Grounds of the University of Hawaii in Honolulu.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. There is hereby appropriated out of the general fund of the Territory of Hawaii the sum of two thousand nine hundred sixteen dollars and eighty-four cents (\$2,916.84), or so much thereof as may be necessary to reimburse the city and county of Honolulu for payments to be made by it for the extension of secondary sewer facilities to the grounds of the University of Hawaii in Honolulu.

Section 2. The said sum of two thousand nine hundred sixteen dollars and eighty-four cents (\$2,916.84), or so much thereof as may be necessary to reimburse the city and county of Honolulu under this Act shall be paid over to the treasurer of the city and county of Honolulu by the treasurer of the Territory when and as requested by resolution of the board of supervisors of the city and county of Honolulu.

Section 3. This Act shall take effect upon its approval.

(Approved June 9, 1951.) S.B. 167, Act 274.

Series F-314: ACT 275

An Act Appropriating the Sum of Forty Thousand Three Hundred Seventy-Nine Dollars and Thirty-Two Cents (\$40,379.32) to Reimburse the City and County of Honolulu for the Cost of Improvements in Frontage Improvement No. 75—Ala Wai Blvd., Kalakaua Ave. to Ala Moana, in Kalia, Waikiki, Job No. 24-50, in Honolulu.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. There is hereby appropriated out of the general fund of the Territory of Hawaii the sum of forty thousand three hundred seventy-nine dollars and thirty-two cents (\$40,379.32), or so much thereof as may be necessary to reimburse the city and

county of Honolulu for payments to be made by it under the provisions of section 6704 of the Revised Laws of Hawaii 1945, as amended, for improvements to be constructed within frontage improvement No. 75—Ala Wai Boulevard, Kalakaua Avenue to Ala Moana, in Kalia, Waikiki, Job No. 24-50, in Honolulu.

Section 2. The said sum of forty thousand three hundred seventy-nine dollars and thirty-two cents (\$40,379.32) or so much thereof as may be necessary to reimburse the city and county of Honolulu shall be paid over to the treasurer of the city and county of Honolulu by the treasurer of the Territory of Hawaii when and as requested by resolution of the board of supervisors of the city and county of Honolulu.

Section 3. This Act shall take effect upon its approval.

(Approved June 9, 1951.) S.B. 168, Act 275.

Series F-315: ACT 276

An Act Appropriating the Sum of Fourteen Thousand Five Hundred Ninety-Nine Dollars and Fifty-Nine Cents (\$14,599.59) to Reimburse the City and County of Honolulu for the Cost of Constructing Improvements in Improvement District No. 71, Leahi Farms in Honolulu.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. There is hereby appropriated out of the general fund of the Territory of Hawaii the sum of fourteen thousand five hundred ninety-nine dollars and fifty-nine cents (\$14,599.59), or so much thereof as may be necessary to reimburse the city and county of Honolulu for payments to be made by it under the provisions of section 6704 of the Revised Laws of Hawaii 1945, as amended, for improvements to be constructed within improvement district No. 71, Leahi Farms, in Honolulu.

Section 2. The said sum of fourteen thousand five hundred ninety-nine dollars and fifty-nine cents (\$14,599.59), or so much thereof as may be necessary to reimburse the city and county of Honolulu under this Act shall be paid to the treasurer of the city and county of Honolulu by the treasurer of the Territory of Hawaii when and as requested by resolution of the board of supervisors of the city and county of Honolulu.

Section 3. This Act shall take effect upon its approval.

(Approved June 9, 1951.) S.B. 173, Act 276.

Series F-316: ACT 277

An Act Appropriating the Sum of Twenty-Seven Thousand Two Hundred One Dollars and Sixty-Eight Cents (\$27,201.68) to Reimburse the City and County of Honolulu for the Cost of Sewerage Improvements in Improvement District No. 67 (Date-Kapahulu Sewerage, Sec. No. 1).

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. There is hereby appropriated out of the general fund of the Territory of Hawaii the sum of twenty-seven thousand two hundred one dollars and sixty-eight cents (\$27,201.68), or so much thereof as may be necessary to reimburse the city and county of Honolulu for payments to be made by it under the provisions of section 6704 of the Revised Laws of Hawaii 1945, as amended, for sewer improvements to be constructed within improvement district No. 67 (Date-Kapahulu Sewerage, Sec. 1).

Section 2. The said sum of twenty-seven thousand two hundred one dollars and sixty-eight cents (\$27,201.68), or so much thereof as may be necessary to reimburse the city and county of Honolulu shall be paid over to the treasurer of the city and county of Honolulu by the treasurer of the Territory of Hawaii when and as requested by resolution of the board of supervisors of the city and county of Honolulu.

Section 3. This Act shall take effect upon its approval.

(Approved June 9, 1951.) S.B. 178, Act 277.

KAUAI COUNTY.

Series F-317: ACT 79

An Act Making an Appropriation for the Construction of Improvements on and the Development of Public Lands Formerly Known as "Kapaa Swamp", Kapaa, Kauai.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The sum of \$150,000.00 or so much thereof as may be necessary is hereby appropriated from the general revenues of the territory not otherwise appropriated for the purpose of surveying the public lands formerly known as "Kapaa Swamp", Kapaa, Kauai, for subdivision and sale and also for engineering

work in connection therewith, and also for the construction of roads, water lines, bridges and other improvements necessary to place said lands in condition for subdivision and sale for such purposes as the land commissioner and the board of public lands may decide.

Section 2. The said appropriation shall be expended upon warrants drawn by the territorial auditor or the treasurer, based upon vouchers approved by the commissioner of public lands.

Section 3. The said appropriation shall be repaid or reimbursed to the general fund of the territory from the proceeds of sales of public lands in the county of Kauai.

Section 4. This Act shall take effect upon its approval.

(Approved May 18, 1951.) **H.B. 401, Act 79.**

MAUI COUNTY.

Series F-318: ACT 10

An Act to Amend Act 205 of the Session Laws of Hawaii 1947, Relating to Appropriations for Public Improvements, Providing for the Issuance of Public Improvement Bonds, and Providing for Public Improvements at Maalaea, Maui.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The unexpended balance of the \$85,000.00 appropriated in section 1 (a), subdivision 2, of Act 205 [Series F-209.] of the Session Laws of Hawaii 1947, for "Boat Harbor at Kihei, Maui, land and facilities" is hereby reappropriated for a boat harbor at Maalaea, Maui, including preparation of plans, construction of breakwater, dredging, and acquisition of land and all necessary facilities.

Section 2. The moneys reappropriated by this Act shall be expended under the direction of the board of harbor commissioners upon warrants drawn by the territorial auditor on the treasurer, based upon vouchers approved by the chairman of the board of harbor commissioners.

Section 3. This Act shall take effect upon its approval.

(Approved May 1, 1951.) **S.B. 18, Act 10.**

Series F-319: ACT 94

An Act Relating to the Name of Kula Sanatorium.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Every law, ordinance, order, rule, or regulation in which the name "Kula Sanitarium" is used is hereby amended so that said name shall read "Kula Sanatorium".

Section 2. Every law, ordinance, order, rule, or regulation in which the word "sanitarium" is used with reference to the institution name in section 1 hereof is hereby amended by deleting the word "sanitarium" and substituting therefor the word "sanatorium."

Section 3. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 18, 1951.) S.B. 435, Act 94.

TEMPORARY TAX EXEMPTIONS.

Series F-320: ACT 284

An Act Relating to Taxation, Providing Temporary Exemptions From the General Excise Tax and Liquor Tax.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. (a) Any provision of law to the contrary notwithstanding, there shall be exempted from, and excluded from the measures of, the taxes imposed by chapters 101 and 104 of the Revised Laws of Hawaii 1945, all sales, and the gross proceeds of all sales, of:

(1) Intoxicating liquor, as defined in chapter 137 of the Revised Laws of Hawaii 1945, hereafter sold by any person licensed under said chapter 137 to the United States (including any agency or instrumentality thereof that is wholly owned or otherwise so constituted as to be immune from the levy of a tax under chapter 99 or chapter 104 of the Revised Laws of Hawaii 1945), or to any organization to which such sale is permitted by the proviso of "Class 3" of section 7232 of the Revised Laws of Hawaii 1945, located on any Army, Navy, or air force

* Sic.

reservation, but the person making such sale shall nevertheless, within the meaning of chapters 101, 104 and 137 of the Revised Laws of Hawaii 1945 be deemed to be a licensed seller.

(2) Other tangible personal property hereafter sold by any person licensed under chapter 101 of the Revised Laws of Hawaii 1945 to the United States (including any agency or instrumentality thereof that is wholly owned or otherwise so constituted as to be immune from the levy of a tax under chapter 99 of the Revised Laws of Hawaii 1945), but the person making such sale shall nevertheless, within the meaning of chapters 99 and 101 of the Revised Laws of Hawaii 1945, be deemed to be a licensed seller.

(b) Nothing in this section shall be deemed to exempt any sales to or by a federal cost plus contractor, as defined in chapter 101 of the Revised Laws of Hawaii 1945, or the gross proceeds thereof; with respect to all such activities and transactions taxes shall be levied, returned, computed and assessed the same as if this Act had not been enacted, and in the case of an election made under section 5455 of the Revised Laws of Hawaii 1945 pursuant to paragraph (6) of subsection (b) and paragraph (3) (b) of subsection C thereof, the tax shall be computed the same as upon a sale to the territorial government.

Section 2. This Act shall terminate and cease to be effective on and after July 1, 1952, unless the governor, on or before July 1, 1952, shall find and declare, by proclamation duly promulgated, that the loss of revenues through the exemptions granted by this Act does not substantially affect the financial condition of the territorial government, in which event this Act shall remain in effect until July 1, 1953.

Section 3. This Act shall not be construed as affecting in any manner, to the detriment of the Territory, any taxes, interest, fines, penalties, forfeitures or other liabilities, or obligations, existing, due or incurred prior to the effective date of this Act, nor as affecting the liability of any person to prosecution for any misdemeanor or other criminal offenses committed prior to said effective date under the laws affected by this Act; and all such taxes, interest, fines, penalties, forfeitures, liabilities, obligations, misdemeanors and other offenses may be assessed, enforced, collected, prosecuted or punished, as the case may be, in the same manner, to the same extent and subject to the same conditions, as if this Act had not been enacted.

Section 4. This Act shall take effect on July 1, 1951.

(Approved June 9, 1951.) S.B. 404, Act 284.

LABOR DISPUTES, PUBLIC UTILITIES.

Series F-321: ACT 232

An Act to Amend Act 146 of the Session Laws of Hawaii 1949, Relating to Labor Disputes in Public Utilities.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 2 of Act 146 (Series A-109) of the Session Laws of Hawaii 1949 is hereby amended to read as follows:

"Section 2. If any portion of this Act, or its application to any person or circumstances, shall be held unconstitutional or invalid, the remainder of this Act, and the application of such portion to other persons or circumstances, shall not be affected. Whenever the application of the provisions of this Act to any person or circumstances shall be unconstitutional or invalid, the provisions of section 4115 of the Revised Laws of Hawaii 1945 shall be applicable thereto."

Section 2. This Act shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 28, 1951.) S.B. 25, Act 232.

BOARD OF HEALTH, FIELD NUTRITIONIST.

Series F-322: ACT 305

An Act Authorizing the President of the Board of Health to Appoint Field Nutritionist for Rural Oahu.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The president of the board of health is hereby authorized to appoint a field nutritionist for rural Oahu and to establish, or arrange for the establishing of, a suitable office therefor.

Section 2. This Act shall take effect upon its approval.

(Approved June 12, 1951.) H.B. 752, Act 305.

CIVIL SERVICE.

Series F-323: ACT 155

An Act Relating to Civil Service; Amending Chapter 2 of the Revised Laws of Hawaii 1945 as Amended.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 2 of the Revised Laws of Hawaii 1945, as amended, is further amended in the following respects:

1. By amending **section 67**, paragraph (n) to read as follows:

“(n) One secretary or clerk for each justice of the supreme court and each judge of a circuit court; one law clerk for each justice of the supreme court;”.

2. By amending **section 74**, paragraph (d) to read as follows:

“(d) One first deputy or first assistant of an elective officer; board or commission members or heads of departments whose appointments are required under the laws of the Territory or by ordinances of the city and county to be made by the mayor and confirmed by the board of supervisors of the city and county; one first deputy or first assistant of every such head of a department;”.

3. By deleting paragraph (h) of **section 74**.

4. By amending **section 77**, paragraph (d) to read as follows:

“(d) One first deputy or first assistant of an elective officer; board or commission members or heads of departments whose appointments are required under the laws of the Territory or by county ordinances to be made by the chairman of the board of supervisors and confirmed by the board of supervisors of the county; one first deputy or first assistant of every such head of a department;”.

5. By deleting paragraph (g) of **section 77**.

Section 2. Nothing in this Act contained shall be construed to change the civil service status of any officer or employee now in service.

Section 3. This Act shall take effect upon its approval.

(Approved May 23, 1951.) **S.B. 77, Act 155.**

Note: See **L. 1951, Act 319 [A-2]**, Supra.

CLASSIFICATION LAW.

Series F-324: ACT 21

An Act to Exempt Certain Positions in the Department of Public Instruction from the Provisions of Chapter 3 of the Revised Laws of Hawaii 1945, as Amended, Relating to Classification.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Paragraph (4) of section 105 of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"(4) Teachers, principals, specialists not engaged in instructional work, supervisors, assistant superintendent, deputy superintendents, district superintendents, directors and assistant directors under the department of public instruction, but secretarial and clerical employees, cafeteria managers and helpers, when not combined with teaching, shall be subject to the provisions of this chapter." [Sp. L. 1941, c. 88, s. 4; R. L. 1945, s. 105; am. L. 1951, c. 21, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 4, 1951.) S.B. 78, Act 21.

Note: See L. 1951, Act 320 [A-3], Supra.

FUEL TAX.

Series F-325: ACT 67*

An Act Relating to Fuel Taxes and the Disposition Thereof in the County of Maui and Amending Chapter 100 and Section 5260 of the Revised Laws of Hawaii 1945, as Amended.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 5260 of the Revised Laws of Hawaii 1945, as amended by Act 196 (Series A-83) of the Session Laws of Hawaii 1947 is hereby further amended by inserting the words and punctuation marks "'county of Maui special tax,'" between the words and punctuation marks "'county of Maui extra,'" and the words and punctuation marks "and 'county of Kauai extra tax,'" appearing in the second sentence of subsection (a) thereof.

Section 2. Section 5404 of the Revised Laws of Hawaii 1945, as amended by Act 196 (Series A-83) of the Session Laws of Hawaii 1947 and by Act 360 (Series A-141) of the Session Laws

of Hawaii 1949, is hereby further amended in the following respects:

(a) By changing the period at the end of paragraph numbered (5) of subsection (a) thereof to a comma and adding thereafter the following:

"and in addition thereto during the period July 1, 1951 to June 30, 1953, inclusive, a special tax of one cent, which special tax shall be known as the 'county of Maui special tax' and is so referred to in chapter 96."

(b) By changing the period at the end of paragraph numbered (3) of subsection (b) thereof to a comma and adding thereafter the following:

"and in addition thereto during the period July 1, 1951 to June 30, 1953, inclusive, a special tax of one cent, which special tax shall be known as the 'county of Maui special tax' and is so referred to in chapter 96."

Section 3. The county of Maui special tax shall be paid by the tax commissioner over into the territorial treasury, and shall, by the territorial treasurer, be paid over to the treasurer of the county of Maui for deposit in the special tax fund, which is hereby created, of said county, to be expended for the following projects only and in the following order of priority, to-wit:

(a) For resurfacing of Baldwin Avenue from Makawao to lower Paia.

(b) For resurfacing of the road from Hana Airport road to Hana proper.

(c) For resurfacing of the road from Happy Valley to Waihee as far as the Kapuna road.

(d) For construction, improvement and resurfacing of the taro growers' access road in the Keanae-Wailua area.

(e) For resurfacing of the Momomi and Puukapele roads, island of Molokai.

(f) For resurfacing of the road from Waikapu to Wailuku.

(g) For the construction, improvement and resurfacing of any other roads in the county of Maui.

Section 4. Expenditure of said special tax moneys upon said roads itemized in section 3 hereof shall be upon contracts let in the manner required by law as to items (a), (c), (e) and (f) and as to items (b), (d) and (g) may be upon work by the county itself.

Section 5. This Act shall take effect upon its approval.

(Approved May 14, 1951.) **H.B. 23, Act 67.**

* Note: This Act repealed by L. 1951, Act 302 [A-120], Supra.

REPEAL OF ss. 3, 4, J. R. 14, S. L. 1935.

Series F-326: ACT 148

An Act to Repeal Sections 3 and 4 of Joint Resolution 14 of the Session Laws of Hawaii 1935, Relating to the Appointment of a Commission to Present to the Congress of the United States of America a Resolution Respecting the Issuance of Certificates of Citizenship and the Appropriation Provided Therefor.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Sections 3 and 4 of Joint Resolution 14 of the Session Laws of Hawaii 1935 are hereby repealed.

Section 2. This Act shall take effect upon its approval.

(Approved May 23, 1951.) H.B. 673, Act 148.

JOINT RESOLUTIONS.

J. R. 1

Joint Resolution Extending the Time for the Payment of 1951 Motor Vehicle Weight Taxes.

WHEREAS, pursuant to Section 5711 of the Revised Laws of Hawaii 1945, motor vehicle weight taxes are required to be paid before March 1st of each year; and

WHEREAS, by virtue of delays in the delivery of motor vehicle number plates, it will not be feasible in 1951 to collect this tax prior to March 1, 1951; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. In the year 1951, motor vehicle weight taxes shall be paid prior to May 1, 1951. No penalties shall be incurred by anyone who pays prior to said date.

Section 2. This Joint Resolution shall take effect upon its approval.

(Approved March 1, 1951.) S.J.R. 3, J.R. 1.

J. R. 2

Joint Resolution Requesting the Congress of the United States to Enact Legislation Requiring Federal Departments to Withhold Territorial Taxes upon Compensation on the Same Basis as Territorial Departments and Political Subdivisions of the Territory.

WHEREAS, under chapter 98 of the Revised Laws of Hawaii 1945, as amended, the laws of the Territory of Hawaii impose a tax of 2% on compensation received by civilian employees for services performed within the Territory; and

WHEREAS, the revenues under said laws from this tax on compensation constitute approximately twelve and three-quarters per centum of all tax revenues of the Territory of Hawaii and its political subdivisions; and

WHEREAS, pursuant to said tax laws, the Territory and its political subdivisions and all private employers having a place of business within the Territory, are required to withhold this tax from said compensation paid to employees for services performed within the Territory; and

WHEREAS, by judicial decision, in *Yerian v. Territory*, 130 F. 2d 786 and *Borthwick v. Veatch*, 172 F. 2d 226, certiorari denied 337 U. S. 916, the legality of this tax as applied to United States employees has been sustained and said tax has been held to be in conformity with the following Acts of Congress, to wit, the Public Salary Tax Act of 1939, 53 Statutes at Large 575, chapter 59, section 4 (5 USCA 84a), and the Buck Act, 54 Statutes at Large 1059, chapter 787, reenacted by 61 Statutes at Large 641, chapter 389 (4 USCA 105-110); and

WHEREAS, under its present laws the United States does not require the withholding of this tax from its employees within the Territory; and

WHEREAS, the various United States governmental departments, particularly the armed forces, employ many thousands of civilian workers in the Territory; and

WHEREAS, the wages and salaries of the employees of the United States are not subject to garnishment by a state or territory; and

WHEREAS, few of the said United States employees own property within the Territory which can be attached to satisfy their territorial tax obligations; and

WHEREAS, these factors make territorial tax evasion among United States employees an easy process, due to the lack of any practical means available to the Territory to enforce payment of this tax by federal employees; and

WHEREAS, as a result of this situation, a large number of United States employees have consistently, openly, and flagrantly defied the laws of the Territory in relation to collection of this tax; and

WHEREAS, the number of delinquent tax accounts under this tax on file in the office of the territorial tax commissioner exceeds 50,000 among employees of the United States alone; and

WHEREAS, the amount of delinquent taxes owed to the Territory by United States employees alone exceeds \$3,280,000, and is increasing at the rate of \$400,000 to \$500,000 annually; and

WHEREAS, the tax in question is not in any way discriminatory against employees of the United States, as all employees within the Territory are obligated to pay the same tax at the same rate, regardless of the identity of their employers; and

WHEREAS, as exemplified in the federal income tax law, withholding from salaries and wages is a desirable means of applying tax levies to salaried employees and wage earners; and

WHEREAS, the place where an employee works is the only practical place for tax withholding; and

WHEREAS, the Territory's tax is levied according to the place where the employee works, and while it is recognized that certain United States employees in the Territory may be subject to taxation by the states of their domiciles, as well as by the Territory, such states of their domiciles can eliminate such double taxation, as is provided, for example, in the laws of the Territory, which exempt from taxation income of domiciliaries of the Territory when subject to taxation elsewhere; and

WHEREAS, if the United States should choose to withhold the 2% territorial tax from the compensation paid to its employees within the Territory, the additional burden on the United States would be a light one, as the tax in question is a flat 2% of the compensation paid, and no further computation is necessary, as is the case with withholding of United States income taxes, which are graduated in rate, and influenced by numbers of dependents, etc., a task which the Territory and all states cheerfully perform on behalf of the United States; and

WHEREAS, many conscientious United States employees, who are now required to file and pay this 2% tax to the Territory

individually, have expressed a desire that the United States withhold this tax from their compensation; and

WHEREAS, the Territory is confident that the United States has no desire or intention of fostering and encouraging wholesale defiance of territorial tax laws, which results from the present situation; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The Congress of the United States is hereby respectfully requested and urged to enact legislation which will require the various departments of the federal government to withhold and pay over to the tax commissioner of the Territory of Hawaii territorial taxes imposed on compensation for services of civilians performed in Hawaii, on the same basis as the departments and political subdivisions of the Territory, it being understood, of course, that the United States would be subject to neither penalties, interest nor other liability for failure to comply with any of such provisions.

Section 2. Certified copies of this Joint Resolution shall be sent to the President of the United States, to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States, to the Secretary of the Interior, and to the Delegate to the Congress from Hawaii.

Section 3. This Joint Resolution shall take effect upon its approval.

(Approved April 6, 1951). S.J.R. 24, J.R. 2.

J. R. 3

Joint Resolution Giving to the Hospital Building at Waimano Home the Official Name of Charles Bernard Lambert Hospital.

WHEREAS, Charles Bernard Lambert was the superintendent of Waimano Home for many years and worked hard to secure a hospital for the home; and

WHEREAS, Charles Bernard Lambert died before realizing the fruit of his labors; and

WHEREAS, it is a fitting tribute to the memory of a devoted public servant that the hospital at Waimano Home be named for the said Charles Bernard Lambert; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The official name of the hospital at Waimano Home shall be and is the Charles Bernard Lambert Hospital.

Section 2. This Joint Resolution shall take effect upon its approval.

(Approved April 6, 1951). H.J.R. 44, J.R. 3.

J. R. 4

Joint Resolution Requesting the Congress of the United States of America to Ratify and Confirm Act 291 of the Session Laws of Hawaii 1949.

WHEREAS, by Act 291 of the Session Laws of Hawaii 1949, the Maui County Waterworks Board was included under the definition of "municipality"; and

WHEREAS, it is desirable that said Act as amended should be ratified and confirmed; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. That the Congress of the United States of America be and it hereby is requested through the Delegate in Congress from Hawaii to enact legislation ratifying and confirming the provisions of said Act 291, and to that end that said Congress is hereby requested and urged, through said Delegate, to adopt a bill in substantially the following form, to-wit:

"AN ACT to ratify and confirm Act 291 of the Session Laws of Hawaii 1949, which included Maui County Waterworks Board under the definition of 'municipality' in the issuance of revenue bonds pursuant to The Revenue Bond Act of 1935.

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED, That Act 291 of the Session Laws of Hawaii 1949, which amended section 6081 of the Revised Laws of Hawaii 1945, as amended, to include Maui County Waterworks Board under the definition of 'municipality' in the issuance of revenue bonds under The Revenue Bond Act of 1935, is hereby ratified and confirmed, and revenue bonds may be issued by said Maui County Waterworks Board under and pursuant to the provisions of The Revenue Bond Act of 1935, as amended, without approval of the President of the United States and without the incurring of an indebtedness within

the meaning of the Hawaiian Organic Act, and The Revenue Bond Act of 1935 as so amended shall constitute full authority for the issuance of said bonds without reference to and independent of the Hawaiian Organic Act."

Section 2. That duly certified copies of this Joint Resolution be transmitted to the President of the United States Senate, to the Speaker of the United States House of Representatives, to the Secretary of the Interior and to the Delegate in Congress from Hawaii.

Section 3. This Joint Resolution shall take effect upon its approval.

(Approved April 23, 1951.) S.J.R. 4, J.R. 4.

J. R. 5

Joint Resolution Providing for the Remission of Certain Real Property Taxes.

WHEREAS, by Joint Resolution 6, Special Session Laws of Hawaii 1949, the tax commissioner was authorized and directed to remit all unpaid real property taxes theretofore assessed against the Moiliili Community Association for each of the calendar years 1947, 1948 and 1949 upon all property owned and used by the said association during each of said years for educational, religious or community purposes; and

WHEREAS, it subsequently appeared that a trifling and inconsiderable sum was received by such association as a rental or contribution for the use of a small portion of said property by an otherwise homeless family, which use was designed and believed by such association to be for a community purpose in view of the trifling sum received; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The tax commissioner of the Territory is hereby authorized and directed to remit all unpaid real property taxes heretofore assessed against the Moiliili Community Association for each of the calendar years 1947, 1948 and 1949 upon all real property owned and used by said association during each of said years.

Section 2. This Joint Resolution shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved April 27, 1951.) S.J.R. 21, J.R. 5.

J. R. 6

Joint Resolution Requesting the United States Immigration and Naturalization Service to Establish a branch Office in Hilo.

WHEREAS, the United States Immigration and Naturalization office in Honolulu is the only office of the United States Immigration and Naturalization Service in the Territory of Hawaii; and

WHEREAS, Hilo is the second largest city in the Territory of Hawaii and the main air and water terminal of Hawaii, the largest island in the Territory of Hawaii; and

WHEREAS, the United States Immigration and Naturalization Service has no representatives stationed on the island of Hawaii, and must detail representatives from Honolulu to this island when the need arises to the inconvenience of both the service and the residents of the island of Hawaii; now therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. That the United States Immigration and Naturalization Service be and is hereby requested to establish a branch office at the city of Hilo, Hawaii.

Section 2. Certified copies of this Joint Resolution shall be transmitted to the Attorney General of the United States, to the Commissioner of the Immigration and Naturalization Service, to the Secretary of the Interior, and to the Delegate to Congress from Hawaii.

Section 3. This Joint Resolution shall take effect upon its approval.

(Approved April 27, 1951.) S.J.R. 31, J.R. 6.

J. R. 7

Joint Resolution Directing the Transfer of Certain Unencumbered and Unexpended Balances of Appropriations for Public Improvements in the City and County of Honolulu to the General Fund of the City and County of Honolulu.

WHEREAS, the following listed items for which appropriations were made by Act 254 of the Session Laws of Hawaii 1929 and Act 203 of the Session Laws of Hawaii 1935 have unencumbered and unexpended balances of appropriations as contained in the schedule hereinafter set forth; and

WHEREAS, said Acts provide in substance that any unrequired balance, on completion, shall be transferred to the permanent improvement fund of the county for which the appropriation was initially made; and

WHEREAS, the city and county of Honolulu no longer has a permanent improvement fund; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The following unencumbered and unexpended balances of appropriations are hereby directed to be transferred to the general fund of the city and county of Honolulu:

Act 254, Session Laws of Hawaii 1929

Item 21. Kamehameha Highway and bridges.....\$.77
--	-----

Act 203, Session Laws of Hawaii 1935

Item 15. Auditorium, Kawananakoa School.....	1,118.36
16. Auditorium, Andrew Cox School.....	356.08
17. Auditorium, Aliiolani School.....	3.04
18. Water Development and Supply, Nanakuli	1,491.57
19a. Assembly Hall, Jefferson School.....	512.04
20. Roads and bridges.....	18.93

TOTAL	\$3,500.79
-------------	------------

Section 2. This Joint Resolution shall take effect upon its approval.

(Approved May 1, 1951.) S.J.R. 43, J.R. 7.

J. R. 8

Joint Resolution Requesting the Congress of the United States of America to Withdraw and to Restore to Its Previous Status Under the Control of the Territory Certain Hawaiian Home Lands Required for Use by the Board of Water Supply of the City and County of Honolulu for a Water Shaft, Pump Station and Tunnel, and to Amend Section 203 of the Hawaiian Homes Commission Act, 1920, so as to Place Certain Lands of Auwaiolimu, Kewalo-uka and Kalawahine on the Island of Oahu, Territory of Hawaii, under the Operation of said Act and to Confer Thereon the Status of Hawaiian Home Lands.

WHEREAS, after a thorough and intensive investigation, the board of water supply of the city and county of Honolulu has determined that a certain 31.60 acre parcel of land now under the jurisdiction of the Hawaiian Homes Commission Act of 1920, said parcel of land being hereinafter more particularly described, is most suitable for the location of a water shaft, pump station and tunnel from which to pump water of reasonably assured potability; and

WHEREAS, said board of water supply desires to locate on said parcel of land a water shaft, pump station and tunnel as a replacement of one of said board's present principal deep-well stations; and

WHEREAS, in lieu of said parcel of land desired by said board of water supply, two parcels of unoccupied government lands located within the limits of the city of Honolulu and comparable to the parcel of land hereinabove referred to, are available for Hawaiian Home lands; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The Congress of the United States is hereby respectfully requested to withdraw and restore to its previous status under the control of the Territory the parcel of Hawaiian Home lands required for use by the board of water supply of the city and county of Honolulu, and, in lieu of the land so withdrawn, to place under the operation of the Hawaiian Homes Commission Act of 1920 those certain parcels of land, being portions of government land of Auwaiolimu, Kewalo-uka and Kalawahine, on the island of Oahu, and more particularly described in the proposed bill hereinafter set forth, and to confer upon said lands the status of Hawaiian Home lands; and to that end the Congress of the United States is requested to enact

and adopt a bill amendatory of the Hawaiian Homes Commission Act, 1920, substantially as set forth in the following form of bill, to wit:

"A Bill to withdraw and restore to its previous status under the control of the Territory of Hawaii that certain Hawaiian Home lands required for the use of the board of water supply of the city and county of Honolulu for the location of a water shaft, pump station and tunnel, and to amend section 203 of the Hawaiian Homes Commission Act, 1920, so as to confer upon certain lands of Auwaiolimu, Kewalo-uka and Kalawahine, on the island of Oahu, Territory of Hawaii, the status of Hawaiian Home lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

Section 1. So much of section 203 (4) of title 2 of the Hawaiian Homes Commission Act, 1920, as amended, as designates the land hereinafter described as available lands within the meaning of that Act, is hereby repealed and the land is hereby restored to its previous status under the control of the Territory of Hawaii. On the island of Oahu:

(III) Portion of the land of Kalawahine situate mauka or northeast of Roosevelt High School, Honolulu, Oahu.

Being portion of L. C. award 11215, Apana 2, to Keliiahonui conveyed by W. M. Giffard to the Territory of Hawaii by deed dated February 1, 1907, and recorded in Liber 291, page 1.

(Being portion of the lands set aside for the Hawaiian Homes Commission by the Seventy-third Congress by Act numbered 227, approved May 16, 1934.)

Beginning at the south corner of this parcel of land near the east corner of Roosevelt High School lot, the coordinates of said point of beginning referred to government survey triangulation station 'Punchbowl', being twenty-five and two one-hundredths feet south and four thousand one hundred and seventeen and thirty-nine one-hundredths feet east as shown on government survey registered map numbered 2985 and running by azimuths measured clockwise from true south:

1. One hundred and twenty-eight degrees fifty-four minutes seven hundred and six and thirteen one-hundredths feet along Roosevelt High School lot, and passing over a pipe at six hundred and eighty-four and thirteen one-hundredths feet;

2. Thence up along the middle of stream in all its turns and windings along the land of Kewalo-uka to the south corner of Hawaiian Home land (Presidential Executive

Order numbered 5561), the direct azimuth and distance being two hundred and thirteen degrees forty-eight minutes forty seconds one thousand one hundred and twelve and twenty one-hundredths feet;

3. Thence continuing up along the middle of stream in all its turns and windings along the land of Kewalo-uka (Presidential Executive Order numbered 5561), to the south side of Tantalus Drive realignment, the direct azimuth and distance being two hundred and twenty-eight degrees twenty-nine minutes ten seconds one thousand three hundred and ninety-one feet;

4. Thence on a curve to the right with a radius of one hundred and twenty and seventy-eight one-hundredths feet along the southerly side of Tantalus Drive realignment (sixty feet wide), the direct azimuth and distance being three hundred and fifty-eight degrees twenty-one minutes one hundred and ninety-three and eighty one-hundredths feet;

5. Fifty-one degrees forty-two minutes one hundred and ninety-three and thirty-five one-hundredths feet along the southerly side of Tantalus Drive realignment;

6. Thence on a curve to the left with a radius of three hundred and thirty feet, along same, the direct azimuth and distance being twenty-five degrees twenty-three minutes ten seconds two hundred and ninety-two and fifty-eight one-hundredths feet;

7. Twenty-two degrees fifty-three minutes two hundred and ninety-one and ninety-three one-hundredths feet along the southerly side of Tantalus Drive realignment and along the west side of Kalawahine Slope lots;

8. Thence on a curve to the left with a radius of three hundred and five and sixty one-hundredths feet along the west side of the Kalawahine Slope lots, the direct azimuth and distance being six degrees twenty-one minutes thirty seconds one hundred and seventy-three and eighty-five one-hundredths feet;

9. Three hundred and forty-nine degrees fifty minutes forty-seven feet along the west side of the Kalawahine Slope lots;

10. Thence on a curve to the right with a radius of five hundred and twenty feet along same and along territorial land, the direct azimuth and distance being seventeen degrees thirty-one minutes four hundred and eighty-three and eighteen one-hundredths feet;

11. Three hundred and fifteen degrees twelve minutes seventy-five feet along territorial land;

12. Forty-five degrees twelve minutes six hundred and eleven and two one-hundredths feet along the northwest side of a twenty-foot road reserve;

13. Thirty-four degrees four minutes thirty seconds three hundred and thirty-six and ninety-six one-hundredths feet along same to the point of beginning and containing an area of thirty-one and sixty one-hundredths acres.

Section 2. Section 203 of the Hawaiian Homes Commission Act, 1920, as amended, is hereby further amended by adding to subparagraph (4) thereof relating to available lands on the island of Oahu, the following subsections to be numbered '(VI)' and '(VII)' respectively and to read as follows:

'(VI) Being a portion of government land of Auwaiolimu, situated on the northeast side of Hawaiian Home land of Auwaiolimu and adjacent to the land of Kewalo-uka at Pauoa Valley, Honolulu, Oahu, T. H. Beginning at a pipe in concrete at the south corner of this parcel of land, being also the east corner of Hawaiian Home land, the co-ordinates of said point of beginning referred to government survey triangulation station 'Punchbowl' being 2012.75 feet south and 3647.87 feet east, and thence running by azimuths measured clockwise from true south:

1. 141° 12' 693.00 feet along Hawaiian Home land;
2. Thence along middle of stonewall along L. C. Aw. 1356 to Kekuanoni, Grant 5147, Apana 1 to C. W. Booth, L. C. Aw. 1351 to Kamakainau, L. C. Aw. 1602 to Kahawai, Grant 4197 to Keauloa, L. C. Aw. 5235 to Kaapuiki and Grant 2587 to Haalelea;
3. 295° 30' 320.00 feet along the remainder of government land of Auwaiolimu;
4. 24° 16' 30" 1579.36 feet along the remainder of government land of Auwaiolimu;
5. Thence along middle of ridge along the land of Kewalo-uka to a point called 'Puu Iole' (pipe in concrete monument) the direct azimuth and distance being 56° 00' 830.00 feet;
6. 52° 12' 552.60 feet along the land of Kewalo-uka to the point of beginning and containing an area of 33.88 acres more or less.

(VII). Being portions of government lands of Kewalo-uka and Kalawahine situated on the east side of Tantalus Drive at Pauoa Valley, Honolulu, Oahu, T. H. Beginning at the west corner of this parcel of land, the true azimuth and distance to a point called 'Puu Eā' (pipe in concrete monument) being $174^{\circ} 30'$ 401.99 feet, the co-ordinates of said point of beginning referred to government survey triangulation station 'Punchbowl' being 2855.10 feet north and 5282.25 feet east and thence running by azimuths measured clockwise from true south:

1. $248^{\circ} 19' 40''$ 850.54 feet along the land of Kewalo-uka;
2. $16^{\circ} 30'$ 500.00 feet along the land of Kewalo-uka, along the land of Kalawahine;
3. $25^{\circ} 00'$ 500.00 feet along the land of Kalawahine;
4. $35^{\circ} 00'$ 320.00 feet along the land of Kalawahine;
5. $50^{\circ} 46'$ 96.70 feet along Makiki Forest Ridge lots;
6. $73^{\circ} 20'$ 255.90 feet along Makiki Forest Ridge lots;
7. $86^{\circ} 32'$ 163.40 feet along Makiki Forest Ridge lots;
8. Thence along the south side of Tantalus Drive on a curve to the right with a radius of 270.00 feet, the direct azimuth and distance being $221^{\circ} 12' 19''$ 98.36 feet;
9. $231^{\circ} 42'$ 193.35 feet along the south side of Tantalus Drive;
10. Still along Tantalus Drive on a curve to the left with a radius of 180.78 feet, the direct azimuth and distance being $181^{\circ} 45' 55''$ 276.72 feet;
11. $242^{\circ} 15'$ 62.32 feet along the land of Kewalo-uka;
12. $174^{\circ} 30'$ 528.01 feet along the land of Kewalo-uka to the point of beginning and containing an area of 574,730 square feet or 13.194 acres.'

Section 3. This Act shall take effect on and after the date of its approval."

Section 2. The Secretary of Hawaii is hereby requested and directed to forward certified copies of this Joint Resolution to the Delegate to Congress from Hawaii, to the Secretary of the Interior, and to the President of the Senate and the Speaker of

the House of Representatives of the Congress of the United States.

Section 3. This Joint Resolution shall take effect upon its approval.

(Approved May 1, 1951.) H.J.R. 32, J.R. 8.

J. R. 9

Joint Resolution Requesting the Congress of the United States to Ratify and Confirm Act 7 of the Session Laws of Hawaii 1951, Amending Chapter 118, Revised Laws of Hawaii 1945, Relating to Revenue Bonds.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The Congress of the United States is hereby respectfully requested to ratify and confirm Act 7 of the Session Laws of Hawaii 1951, amending section 6095 of chapter 118, Revised Laws of Hawaii 1945, by extending the time within which revenue bonds may be issued and delivered to June 30, 1953.

Section 2. Duly authenticated copies of this Joint Resolution shall, upon its approval, be forwarded to the President of the United States, to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States, to the Secretary of the Interior and to the Delegate to Congress from the Territory of Hawaii.

Section 3. This Joint Resolution shall take effect upon approval.

(Approved May 4, 1951.) S.J.R. 1, J.R. 9.

J. R. 10

Joint Resolution Requesting Congress of the United States of America to Amend Section 73 of the Hawaiian Organic Act to Permit Sales of Government Lands where in the Public Interest.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The Congress of the United States of America is hereby requested to amend section 73 (1) of the Hawaiian Organic Act substantially as set forth in the following form of bill:

"A Bill to amend section 73 (1) of the Hawaiian Organic Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

Section 1. That section 73 (1) of the Hawaiian Organic Act is hereby amended by amending the first proviso of the second sentence thereof to read as follows:

'Provided, however, That the commissioner shall, with the approval of said board, sell to any citizen of the United States, or to any person who has legally declared his intention to become a citizen, for residence purposes lots and tracts, not exceeding three acres in area; and that sales of government lands or any interest therein may be made upon the approval of said board for business uses or other undertakings or uses, except those which are primarily agricultural in character, whenever such sale is deemed to be in the interest of the development of the community or area in which said lands are located, and all such sales shall be limited to the amount actually necessary for the economical conduct of such business undertaking or use:'.

Section 2. This Act shall take effect on and after the date of its approval."

Section 2. Certified copies of this Joint Resolution shall, upon its approval, be forwarded to the President of the United States, to the President of the Senate and Speaker of the House of Representatives of the United States, and to the Delegate to Congress from Hawaii.

Section 3. This Joint Resolution shall take effect upon its approval.

(Approved May 4, 1951.) H.J.R. 16, J.R. 10.

J. R. 11

Joint Resolution for the Relief of Edward C. Searle; Requesting Congress to Authorize and Direct the Commissioner of Public Lands to Issue a Right of Purchase Lease on Homestead Land at Ninole-Wailau, Kau, Hawaii.

WHEREAS, prior to November 27, 1940, Edward C. Searle made informal application to the commissioner of public lands to homestead several abandoned homesteads at Ninole-Wailau Homesteads Tract, Kau, Hawaii, such homesteads having been

opened for sale, settlement or occupation pursuant to public notice in compliance with all applicable statutes; and

WHEREAS, said commissioner of public lands gave to said Edward C. Searle verbal assurance of the issuance to him of a right of purchase lease covering such area; that in reliance upon such assurance said Edward C. Searle expended large sums of money for the purchase of farm equipment and live stock preparatory to entering upon such lands as a homesteader; and

WHEREAS, prior to the issuance of a right of purchase lease to said Edward C. Searle the attorney general of the Territory of Hawaii on November 25, 1940 rendered an opinion so construing section 73 of the Hawaiian Organic Act, as amended, and the laws of Hawaii relating to public lands, as to invalidate certain homestead leases and patents and certain right of purchase leases, special homestead agreements, cash freehold agreements and certificates of occupation theretofore issued by the commissioner of public lands and then outstanding; that to perfect such past action of said commissioner of public lands, Senate Concurrent Resolution No. 5, Session Laws of Hawaii 1941 was enacted memorializing congress to validate all such leases, agreements, certificates and patents then outstanding; that in response to such resolution the congress of the United States enacted Public Law 267, 77th Congress, dated September 26, 1941, amending the Hawaiian Organic Act and ratifying such past actions of the commissioner; and

WHEREAS, said commissioner of public lands, following receipt of said attorney general's opinion, dated November 27, 1940, and in recognition of the similarity of the factual situation therein presented upon which said opinion was predicated with the factual situation presented in said application of Edward C. Searle, refused to acknowledge such application made by said Edward C. Searle for said homestead land at Ninole-Wailau, Kau, Hawaii, and to issue a right of purchase lease thereon except upon strict compliance with the provisions of section 73 of the Hawaiian Organic Act, as amended, as construed by the attorney general; and

WHEREAS, strict enforcement of the provisions of section 73 of the Hawaiian Organic Act, as amended, and with such attorney general's opinion will cause grave injustice to said Edward C. Searle and has resulted in serious financial loss to him; that said Edward C. Searle stands, and has at all times stood, ready to enter upon said land and to homestead the same in a good and husband-like manner; that he is qualified as a homesteader within the meaning of subparagraph (f) of section

73 of said Hawaiian Organic Act, as amended, and that the area of the lands involved is within the limits prescribed by subparagraph (n) of said section, as amended; that it is the sense of this Twenty-sixth Legislature that said Edward C. Searle should be permitted to homestead the same in accordance with the terms of his initial application therefor; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The congress of the United States of America is hereby requested to enact legislation authorizing and directing the commissioner of public lands, without the necessity of further publication of notice of sale, drawing or allotment of homestead land situate at Ninole-Wailau, Kau, Hawaii, and determination of the persons entitled to take such land by drawing or lot, to issue forthwith to said Edward C. Searle a right of purchase lease, providing for rentals based upon current appraised values, of all lands for which application was made by him on or before November 27, 1940 for homesteading, such lands being identified by letter dated April 22, 1941, on file in the office of the commissioner of public lands in Honolulu, Territory of Hawaii.

Section 2. Upon its approval, duly authenticated copies of this Joint Resolution shall be forwarded to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, the Delegate to Congress from Hawaii, and the Secretary of the Interior.

Section 3. This Joint Resolution shall take effect upon its approval.

(Approved May 5, 1951.) H.J.R. 64, J.R. 11.

J. R. 12

Joint Resolution Requesting the Congress of the United States to Amend the Organic Act so as to Permit Territorial Legislators to Be Eligible for Appointment to Judicial Offices and Office of Attorney General.

WHEREAS, section 16 of the Organic Act disqualifies members of the territorial legislature from being appointed or elected to any office of the Territory of Hawaii during the terms for which they were elected as members of the legislature; and

WHEREAS, this disqualification is peculiarly detrimental to the people of the territory as it denies to them the right to the services of legislators in other than legislative capacities during

the term for which they have been elected even though they might be even more qualified to serve them in a judicial or administrative capacity; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. That the congress of the United States be and is hereby respectfully requested to amend section 16 of the Organic Act to read as follows:

"Sec. 16. Disqualification of legislators. That no member of the legislature shall, during the term for which he is elected, be appointed or elected to any office of the Territory of Hawaii, except that he may be appointed a justice of the supreme court, a judge of a circuit court, a district magistrate, or attorney general."

Section 2. That duly certified copies of this Joint Resolution shall be transmitted to the President of the United States, to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States, to the Secretary of the Interior, and to the Delegate to Congress from Hawaii.

Section 3. This Joint Resolution shall take effect upon its approval.

(Approved May 10, 1951.) H.J.R. 35, J.R. 12.

J. R. 13

Joint Resolution Exempting from Taxation the Gross Income of and the Privilege of Engaging in the Business of the Transportation of Property Only by Air Within the Territory of Hawaii, and exempting Such Business from Airport Landing Fees and Rentals.

WHEREAS, the economic life of the entire territory is closely associated with the transportation of goods and commodities between the islands, and is particularly dependent on the rapid delivery of perishables destined for the Honolulu market and the shipment of general merchandise and mainland food products to the outer islands; and

WHEREAS, through the initiative and pioneering spirit of persons engaged in such business in the territory, fresh island-grown produce, fish, meat, milk and eggs in volume have been flown to Honolulu, large shipments between the islands of livestock have been handled; and

WHEREAS, air freight is especially adapted to the geographical conditions of the territory, furnishing a quick means of transportation to many places in the territory not serviced directly by surface vessel; and

WHEREAS, the transportation of property only by air within the Territory of Hawaii is an industry which should be encouraged and further aided; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The gross income from the transportation of property by air within the Territory of Hawaii in aircraft used only for cargo by any person, firm or corporation transporting such property by air as a common carrier, and the privilege of engaging in such business, shall be exempt from the taxes provided in chapters 101 and 106 of the Revised Laws of Hawaii 1945, as amended from time to time, or from any other tax measured by sales or gross income, for a period of three years from December 31, 1950.

Section 2. Any person, firm or corporation transporting property by air within the Territory of Hawaii in aircraft used only for cargo, as a common carrier, shall not be charged airport landing fees or land and building rentals by the Territory of Hawaii or the Hawaii Aeronautics Commission for a period of three years from the effective date of the Joint Resolution, as to such aircraft, and as to such portion of its facilities as is devoted to such transportation of property by air in aircraft used only for cargo.

Section 3. In the event that the administrator of civil aeronautics, or other person authorized to so determine by the provisions of the Federal Airport Act, as the same may be amended from time to time, shall determine that any section of this Act results in unjust discrimination with respect to airport use and thereby prevents him from making available to the Territory of Hawaii funds for airport development under the provisions of said Federal Airport Act, which would otherwise be made available to the Territory of Hawaii, such section shall thereupon no longer have the force and effect of law.

Section 4. This Joint Resolution shall take effect upon its approval.

(Approved May 10, 1951.) H.J.R. 42, J.R. 13.

J. R. 14

Joint Resolution Requesting Congress of the United States of America to Pass Legislation Enabling the Hawaiian Homes Commission to Exchange Available Lands as Designated by the Hawaiian Homes Commission Act, 1920, for Public or Private Lands.

WHEREAS, among lands classified as available lands under section 203, Hawaiian Homes Commission Act, 1920, there are many non-contiguous or disjointed parcels having little economic value by reason of size, difficulty of management, or potentiality for use for the purposes of said Act; and

WHEREAS, in the interests of more effective management and to better effectuate the purposes of said Act many of such areas should be consolidated; and

WHEREAS, no means presently exist to permit such consolidation, and enabling legislation is deemed necessary; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. That the Congress of the United States of America through the delegate to congress from the Territory of Hawaii be, and it hereby is, requested to enact legislation permitting the Hawaiian Homes Commission to enter into exchanges involving available lands for the purposes of consolidating such holdings as above stated, and to that end the Congress of the United States of America is hereby requested and urged, through said delegate to congress, to adopt a bill substantially in the following form, to wit:

"A Bill

To enable the Hawaiian Homes Commission of the Territory of Hawaii to exchange available lands as designated by the Hawaiian Homes Commission Act, 1920, for public or private lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

Section 1. That section 204 of the Hawaiian Homes Commission Act, 1920, as amended, be further amended by adding a new subparagraph thereto, designated subparagraph '(4)', and to read as follows:

'(4) the commission may, with the approval of the governor and the secretary of the interior, in order to consolidate its holdings or to better effectuate the purposes of this

Act, exchange the title to available lands for land, publicly or privately owned, of an equal value. All land so acquired by the commission shall assume the status of available lands as though the same were originally designated as such under section 203 hereof, and all land so conveyed by the commission shall assume the status of the land for which it was exchanged. The limitations imposed by section 73 (L) of the Hawaiian Organic Act and the land laws of Hawaii as to the area and value of land that may be conveyed by way of exchange shall not apply to exchanges made pursuant hereto.

Section 2. This Act shall take effect upon its approval."

Section 2. That certified copies of this Joint Resolution shall be transmitted to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, to the Secretary of the Interior, and to the Delegate to Congress from Hawaii.

Section 3. This Joint Resolution shall take effect upon its approval.

(Approved May 10, 1951.) H.J.R. 51, J.R. 14.

J. R. 15*

Joint Resolution Requesting the Congress of the United States to Ratify and Confirm Act 265 of the Session Laws of Hawaii 1951, Authorizing the Board of Supervisors of the City and County of Honolulu to Issue General Obligation Bonds in the Sum of Six Million Dollars (\$6,000,000.00) for the Construction of the Kalihi Tunnel and Its Approach Roads.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The Congress of the United States is hereby respectfully requested to ratify and confirm Act 265 of the Session Laws of Hawaii 1951, authorizing the board of supervisors of the city and county of Honolulu to issue general obligation bonds in the sum of six million dollars (\$6,000,000.00) for the construction of the Kalihi Tunnel and its approach roads.

Section 2. Duly authenticated copies of this Joint Resolution shall, upon its approval, be forwarded to the President of the United States, to the President and Vice President of the Senate of the United States, to the Speaker of the House of Representatives of the United States, to the Secretary of the Interior and to the Delegate to Congress from the Territory of Hawaii.

Section 3. This Joint Resolution shall take effect upon its approval.

(Approved May 18, 1951.) H.J.R. 59, J.R. 15.

* Note: Insertions on sheet 1 of original of J.R. 15 of "265" made by Secretary of Hawaii.

J. R. 16

Joint Resolution Requesting the Congress of the United States to Amend Sections 213 (b), 213 (c) and 215 of Title II of the Hawaiian Homes Commission Act, 1920, as amended.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The Congress of the United States is hereby requested to amend sections 213 (b), 213 (c) and 215 of title II of the Hawaiian Homes Commission Act, 1920, as amended, substantially as set forth in the following form of bill:

"A Bill to amend sections 213 (b), 213 (c) and 215 of title II of the Hawaiian Homes Commission Act, 1920, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

Section 1. That section 213 (b) of the Hawaiian Homes Commission Act, 1920, as amended, is hereby further amended by increasing the amount of '\$2,000,000.00' appearing therein to '\$5,000,000.00'.

Section 2. That section 213 (c) of the Hawaiian Homes Commission Act, 1920, as amended, is hereby further amended by increasing the amount of '\$400,000.00' appearing therein to '\$800,000.00'.

Section 3. That subdivision (1) of section 215 of title II of the Hawaiian Homes Commission Act, 1920, is hereby amended in the following respects:

(a) By amending the figure '\$5,000.00' therein to read '\$12,000.00'.

(b) By amending the figure '\$3,000.00' therein to read '\$6,000.00'.

(c) By changing the phrase 'three per centum per annum', which appears in the tenth line and in the last two lines of subsection (2) to read 'two and one-half per centum per annum'.

Section 4. This Act shall take effect on and after the date of its approval."

Section 2. This Joint Resolution, upon its approval, shall be forwarded to the President of the United States, to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States and to the Delegate to Congress from the Territory of Hawaii.

Section 3. This Joint Resolution shall take effect upon its approval.

(Approved May 18, 1951.) H.J.R. 33, J.R. 16.

J. R. 17

Joint Resolution Authorizing the Conveyance to the United States of America of a Portion of the Lands of the Campus of the University of Hawaii.

WHEREAS, the Territory of Hawaii, acting by and through the governor, the commissioner of public lands, and the board of regents of the University of Hawaii, entered into a letter-agreement bearing date of April 23, 1949 with the fish and wildlife service of the department of the interior of the United States; and

WHEREAS, under the provisions of said letter-agreement the fish and wildlife service agreed to construct a valuable building for fishery research work on the campus of the University of Hawaii, and the territory did in turn agree to convey fee simple title, to the lands on which said building was to be constructed, to the United States of America; and

WHEREAS, the fish and wildlife service of the department of the interior has constructed and equipped said building on the campus of the University of Hawaii; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The governor and the commissioner of public lands of the Territory of Hawaii are hereby authorized and requested to convey to the United States of America a portion of the lands of the campus of the University of Hawaii at Honolulu, said lands to be used by the fish and wildlife service of the department of the interior of the United States as a site for a fishery research laboratory.

Section 2. The lands hereby authorized to be conveyed to the United States of America are described as follows:

“Being a portion of R. P. 4972,

L. C. Aw. 1748 to Ono

Beginning at the southwest corner of this parcel of land and on the north side of Dole street extension, the coordinates of said point of beginning referred to government survey triangulation station ‘PUNCHBOWL’, being 5829.61 feet south and 11,859.47 feet east, as shown on government survey registered map 3074, and running by azimuths measured clockwise from true south:

1. 189° 55’ 27.41 feet along the University of Hawaii;
2. 188° 55’ 112.90 feet along same;
3. 181° 55’ 235.00 feet along same;
4. 263° 40’ 183.10 feet along the University of Hawaii
(land court application 151 and lot 2
of land court application 203) to middle of Manoa Stream;
5. Thence down along the middle of Manoa Stream, the
direct azimuth and distance being 349°
44’ 464.93 feet;
6. 102° 13’ 15” 301.75 feet along the north side of Dole street
extension, to the point of beginning
and containing an area of 2.21 acres, or
96,395 sq. ft.”

Section 3. Upon its approval certified copies of this Joint Resolution shall be delivered to the governor of Hawaii, the secretary of the interior of the United States, the delegate to Congress from Hawaii, the commissioner of public lands of the Territory of Hawaii, and the board of regents of the University of Hawaii.

Section 4. This Joint Resolution shall take effect upon its approval.

(Approved May 23, 1951.) H.J.R. 53, J.R. 17.

J. R. 18

Joint Resolution Creating a Commission on Nursing Education and Nursing Services, and Making an Appropriation Therefor.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The governor of Hawaii is hereby authorized to appoint a commission on nursing education and nursing services, composed of not less than three nor more than five members,

such appointment to be made in accordance with the provisions of section 80 of the Organic Act.

Section 2. The commission appointed by this Act shall survey and evaluate the existing facilities for nursing education and nursing services in the territory, and the commission is authorized to make reports and recommendations to the governor and any federal or territorial departments or agencies concerned with matters affecting nursing services and nursing education.

Section 3. The said commission shall select its own chairman. The members of the commission shall receive no compensation for their services, but they and their stenographic, clerical and professional assistants shall be entitled to their reasonable travel expenses incurred in the discharge of their duties, and, when required to travel from any island to another island in the territory in the performance of such duties, each of such persons shall be allowed, in addition to transportation costs ten dollars (\$10.00) a day to cover all other expenses.

Section 4. There is hereby appropriated from the general funds of the territory not otherwise appropriated the sum of six thousand dollars (\$6,000.00), to be expended for the purposes of this Act, including, but not limited to the expenses incurred under section 3 of this Act, expenses for clerical, stenographic and professional assistants, and expenses of printing and publication of reports.

Section 5. The functions of said commission shall not extend beyond June 30, 1953.

Section 6. This Joint Resolution shall take effect upon its approval.

(Approved May 26, 1951.) H.J.R. 9, J.R. 18.

J. R. 19

Joint Resolution Requesting the Congress of the United States of America to Amend the Hawaiian Organic Act to Permit Sale of Lands to Farmers qualified for Bankhead-Jones Act Loans.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The Congress of the United States of America is hereby requested to amend section 73 (i) of the Hawaiian Organic Act substantially in the following form of bill:

"A Bill to amend section 73 (i) of the Hawaiian Organic Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

Section 1. That section 73 (i) of the Hawaiian Organic Act is hereby amended by amending the first proviso thereof to read as follows:

'Provided, however, that lots may be sold for cash without recourse to drawing or lot and forthwith patented to any citizen of the United States, possessing the qualifications of a homesteader as now provided by law, applying therefor and who has qualified for and received a loan under the provisions of the Bankhead-Jones Farm Tenant Act, (July 22, 1937, ch. 517, 50 Stat. 522, 7 U.S.C., ch. 33) as amended or as may hereafter be amended, for the acquisition of a farm:'

Section 2. This Act shall take effect on and after the date of its approval."

Section 2. Upon its approval, certified copies of this Joint Resolution shall be forwarded to the President of the United States, to the President of the Senate and Speaker of the House of Representatives of the United States, and to the Delegate to Congress from Hawaii.

Section 3. This Joint Resolution shall take effect upon its approval.

(Approved May 26, 1951.) H.J.R. 18, J.R. 19.

J. R. 20

Joint Resolution Memorializing Congress to Authorize the Issuance of Public Improvement Bonds by the County of Maui Without Regard to the Limitations Imposed by the Hawaiian Organic Act.

WHEREAS, there has been a very great growth in the population of school age during the past fifteen years in the county of Maui; and

WHEREAS, the supervisors of the county are charged with providing schools for such children; and

WHEREAS, the heavy storms in the past years have underlined the necessity for flood and drainage controls in many areas of the county; and

WHEREAS, during the war years the public improvements of the county were under excessive use and strain without possibility of any adequate expansion of old facilities or construction of new ones; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The board of supervisors of the county of Maui is hereby empowered and authorized to issue bonds in the sum of one million five hundred thousand dollars (\$1,500,000.00), **provided**, however, that the limitations and requirements in the Organic Act and chapter 117 of the Revised Laws of Hawaii 1945, as to the total bond indebtedness which may be incurred at any time or in any one year shall be waived as to bonds issued under this Joint Resolution. Said bonds shall be issued in accordance with the provisions of said chapter 117, except as above provided, and shall be serial bonds maturing in substantially equal annual installments, the first installment to mature not later than five (5) years from the date of the issue of such series, and the last installment not later than thirty (30) years from the date of such issue.

Section 2. The moneys realized from such bond issue shall be expended as follows:

Construction of new public	
school buildings	\$1,000,000.00
Flood control of Iao stream	500,000.00

Section 3. This Joint Resolution shall take effect immediately upon the enactment of legislation by the Congress of the United States of America ratifying this Joint Resolution and authorizing such bond issue, notwithstanding the limitations of section 55 of the Organic Act of the Territory of Hawaii or any other law to the contrary.

(Approved May 26, 1951.) H.J.R. 55, J.R. 20.

J. R. 21

Joint Resolution Making an Appropriation for the Establishment of Facilities for Units of the Reserve Officers' Training Corps (Junior Division) in High Schools in the Counties of Hawaii, Kauai and Maui, and Authorizing and Directing the Commissioners of Public Instruction to Apply for Establishment of Such Units.

WHEREAS, by House Resolution No. 15 adopted by the House of Representatives of the Twenty-sixth Legislature, the House of Representatives requested a report on the feasibility

of establishing units of the reserve officers' training corps (junior division) on each of the islands of Hawaii, Kauai and Maui; and

WHEREAS, by departmental communication No. 50 the superintendent of public instruction replied that it was feasible to establish such units at Hilo High School, Kauai High School, Waimea High School, Baldwin High School, Maui High School, and Lahainaluna High School at a cost of approximately \$3,000.00 each for the necessary facilities and that all other expenses would be paid by the United States; and

WHEREAS, there are now four such units in the territory, all on the island of Oahu, so that students on the neighbor islands do not have an opportunity to obtain military training in our public schools; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. That the sum of \$9,000.00, or so much thereof as may be necessary, is hereby appropriated from the general revenues of the territory not otherwise appropriated to the commissioners of public instruction for the purpose of constructing and providing the facilities necessary to qualify at least one high school in each of the counties of Hawaii, Kauai and Maui for the establishment of a reserve officers' training corps (junior division), as approved by the officials of the United States having authority to approve the same at the schools accepted therefor by such authorities.

Section 2. The commissioners of public instruction are hereby authorized and directed to make application for the establishment of a reserve officers' training corps (junior division) at one high school at least in each of the counties of Hawaii, Kauai and Maui, as soon as practicable.

Section 3. This Joint Resolution shall take effect upon its approval.

(Approved May 28, 1951.) H.J.R. 65, J.R. 21

J. R. 22

Joint Resolution Requesting the Congress of the United States to Amend the Hawaiian Homes Commission Act, 1920, as Amended, by Amending the First Sentence of Section 202 (a) Thereof, Relating to Membership on the Hawaiian Homes Commission.

WHEREAS, the jurisdiction of the Hawaiian Homes Commission extends throughout the entire Territory of Hawaii; and

WHEREAS, the duties devolving upon the commission are constantly increasing; and

WHEREAS, it is deemed advisable that the membership of said commission should include residents of each of the counties in the Territory of Hawaii; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. That the Congress of the United States of America be, and it hereby is, requested to make certain amendments to the Hawaiian Homes Commission Act, 1920, as amended, as more particularly set forth in the proposed form of bill hereinafter set forth; and to that end, the Congress of the United States is hereby requested and urged through the delegate to congress from Hawaii to adopt a bill substantially in the following form, to-wit:

“A BILL

To Amend the Hawaiian Homes Commission Act, 1920, as Amended, by Amending the First Sentence of Section 202 (a) Thereof, Relating to Membership on the Hawaiian Homes Commission.

Be it Enacted by the Senate and House of Representatives of the United States of America in Congress Assembled:

Section 1. That the first sentence of section 202 (a) of the Hawaiian Homes Commission Act, 1920, as amended, is hereby further amended to read as follows:

“There is hereby established a commission to be known as the “Hawaiian Homes Commission” and to be composed of seven members, four of whom, including the chairman, shall be residents of the city and county of Honolulu; of the remaining members, one shall be a resident of the county of Hawaii, one a resident of the county of Maui, and one a resident of the county of Kauai. The members shall be appointed by the governor and may be removed in the manner provided by section 80 of the Act entitled “An Act to provide a Government for the Territory of Hawaii” approved April 30, 1900. All the members shall have been residents of the Territory of Hawaii at least three years prior to their appointment and at least four of the members shall be descendants of not less than one-fourth part of the blood of the races inhabiting the Hawaiian Islands prior to 1778.”

Section 2. In the event that on the date this Act shall take effect, there shall be five members of such commis-

sion who are residents of the city and county of Honolulu, nothing contained in section 1 hereof shall be construed to require the removal of any one of such members, but each may continue to serve as a member of such commission until the elapse of his respective term of appointment.

Section 3. This Act shall take effect upon its approval."

Section 2. Certified copies of this Joint Resolution shall, upon its approval, be forwarded to the Delegate to Congress from Hawaii, to the Secretary of the Interior, and to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States.

Section 3. This Joint Resolution shall take effect upon its approval.

(Approved May 28, 1951.) H.J.R. 37, J.R. 22.

J. R. 23*

Joint Resolution Requesting the Congress of the United States to Ratify and Confirm Act 204 of the Session Laws of Hawaii 1951 Authorizing the Issuance of Bonds for Flood Control Projects.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The Congress of the United States is hereby respectfully requested to ratify and confirm Act 204 of the Session Laws of Hawaii 1951 authorizing the issuance at one or more times of bonds or other obligations of the city and county of Honolulu in a total amount of not to exceed one million dollars (\$1,000,000.00). The proceeds from such issue being used for flood control and related purposes.

Section 2. Duly authenticated copies of Act 204, Session Laws of Hawaii 1951 and of this Joint Resolution shall, upon their approval, be forwarded to the President of the United States, to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States, to the Secretary of the Interior and to the Delegate to Congress from the Territory of Hawaii.

Section 3. This Joint Resolution shall take effect upon its approval.

(Approved May 28, 1951.) H.J.R. 45, J.R. 23.

* Note: "204" inserted by Secretary of Hawaii.

J. R. 24

Joint Resolution Memorializing the Congress of the United States to Enact Legislation to Remove the Discrimination Against Women in the Matter of Jury Service in the Territory of Hawaii.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. That the Congress of the United States be, and it is hereby, respectfully requested to remove the discrimination against women in the matter of jury service in the Territory of Hawaii and, to that end, the Congress of the United States of America is hereby respectfully requested and urged to adopt a bill in substantially the following form, to-wit:

"A Bill to Amend the Hawaiian Organic Act Relating to Qualification of Jurors.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress, assembled:

Section 1. That the Hawaiian Organic Act be, and it hereby is, amended by deleting from section 83 thereof the word 'male'.

Section 2. This Act shall take effect as of the opening day of the term of the circuit courts of the several circuits in the Territory of Hawaii."

Section 2. That duly certified copies hereof be forwarded to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, to the Secretary of the Interior and to the Delegate to Congress from Hawaii.

Section 3. This Joint Resolution shall take effect upon its approval.

(Approved May 28, 1951.) S.J.R. 8, J.R. 24.

J. R. 25

Joint Resolution Suspending the Laws and Ordinances Relating to the Construction and Maintenance of Certain Structures Within Iolani Palace Grounds.

WHEREAS, it is necessary for the territory to maintain certain temporary wooden structures within Iolani Palace grounds for governmental purposes until such time as permanent structures can be erected to provide office space for the personnel occupying such temporary structures; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Paragraph 5 of section 6521 of the Revised Laws of Hawaii 1945, all ordinances enacted pursuant thereto and any other similar law or ordinance are hereby suspended in their application to six temporary wooden structures maintained by the Territory within Iolani Palace grounds for the use of the Hawaii Housing Authority, the Department of Institutions, the Senate and the House of Representatives of the Twenty-Sixth Legislature.

Section 2. This Joint Resolution shall take effect July 1, 1951, and shall be effective until June 30, 1953.

(Approved May 28, 1951.) S.J.R. 10, J.R. 25.

J. R. 26

Joint Resolution Requesting the Congress of the United States of America to Eliminate Taxes Upon Passenger Transportation Between the Several Islands Comprising the Territory of Hawaii.

WHEREAS, passenger transportation between the several counties of the Territory of Hawaii, unlike that between the counties of the states on the North American continent, is almost solely by air, and, in infrequent cases when it is not by air, it is necessarily by sea, and the residents of Hawaii in the conduct of their business and social life are unable to drive by road from county to county; and

WHEREAS, the burden of the federal transportation tax rests much more heavily upon the residents of Hawaii than upon residents of the continent; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The Congress of the United States of America is hereby respectfully requested to eliminate taxes upon passenger transportation between the several islands comprising the Territory of Hawaii.

Section 2. Certified copies of this Joint Resolution shall be sent to the President of the United States of America, to the President of the Senate and to the Speaker of the House of Representatives of the Congress, to the Secretary of the Interior, and to the Delegate to the Congress from Hawaii.

Section 3. This Joint Resolution shall take effect upon its approval.

(Approved May 28, 1951.) S.J.R. 18, J.R. 26.

J. R. 27

Joint Resolution Authorizing the Maui County Waterworks Board to Reimburse Tony G. Duarte in the Amount of Not More Than \$925.00 for the Wreckage of His Automobile While on Duty.

WHEREAS, Tony G. Duarte, an employee of the Maui County Waterworks Board while on duty during a storm wrecked his car on the morning of December 4, 1950, at 6:00 o'clock a. m.; and

WHEREAS, the Maui County Waterworks Board has been advised that it may not have the legal authority to reimburse him for such loss; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The Maui County Waterworks Board is hereby authorized to pay to Tony G. Duarte the amount of damages resulting from the wreckage of his car on the morning of December 4, 1950, while on duty during a storm, in an amount not to exceed \$925.00.

Section 2. This Joint Resolution shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 28, 1951.) S.J.R. 32, J.R. 27.

J. R. 28

Joint Resolution for the Relief of Frank R. Sommerfeld.

WHEREAS, on the 27th day of December, 1949, a large amount of vacation had been accumulated by Frank R. Sommerfeld, chief deputy fire marshal of the Territory of Hawaii, by reason of pressure of his duties, he being the only staff member in the office of the territorial fire marshal; and

WHEREAS, on the last mentioned date the said Frank R. Sommerfeld was authorized to take his vacation, since otherwise his accumulated vacation would lapse; and

WHEREAS, said Frank R. Sommerfeld, while on vacation on the mainland received directions from the fire marshal to immediately return to his duties, which he did the following day; and

WHEREAS, the direction to return was made necessary in order to prepare reports preparatory in appearing before the legis-

lative holdover committee and to investigate the disastrous fire at Mid-Pacific Institute which occurred during the absence of said Frank R. Sommerfeld; and

WHEREAS, the said Frank R. Sommerfeld was not permitted to enjoy the full benefit of his vacation for which he had expended \$331.20 for travelling expenses; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The sum of \$331.20 is hereby appropriated out of the general revenues of the Territory of Hawaii for the relief of Frank R. Sommerfeld and shall be paid to him upon a warrant issued by the territorial auditor upon approval of the fire marshal of the Territory.

Section 2. This Joint Resolution shall take effect upon its approval.

(Approved May 28, 1951.) S.J.R. 37, J.R. 28.

J. R. 29

Joint Resolution Memorializing the Congress of the United States of America to Enact the Necessary Legislation Granting Federal Aid to the City and County of Honolulu for the Construction of the Koolau Tunnel Project Through the Kalihi Valley.

WHEREAS, the need for tunnels through the Koolau mountains has been a matter of discussion and study for years (from prior to 1930) by far-sighted citizens, officials of the Territory and the city and county of Honolulu, and the military and naval authorities; and

WHEREAS, the only existing trans-Koolau route is the Pali road which is vulnerable not only to the elements, being subject to closure by landslides, as during the late rain storm, but, in the event of hostile enemy attacks, may be made impassable by just one well-placed bomb; and

WHEREAS, the time has come when the Pali road is no longer adequate for the heavy civilian trans-Koolau traffic, without the additional burden of providing for military and naval traffic; and an alternate trans-Koolau route to relieve the congestion on said Pali road has become necessary; and

WHEREAS, an additional trans-Koolau route is feasible only by way of a tunnel through Kalihi, or Manoa Valley; and

WHEREAS, the territorial legislature and the officials of the city and county of Honolulu all favor the Kalihi Valley route, as being:

1. Farther north, traffic via Kalihi will be closer to both Army and Navy supply bases (near Kapalama Basin, Army Supply Depot, Pearl Harbor, Hickam Field, Fort Shafter and Schofield) from the Kaneohe Naval Air Base on the windward side of the island; and

2. Closer to the wholesale produce market and industrial districts where the bulk of truck traffic originates; and traffic between this section and the windward side of the island would avoid the congested traffic of downtown Honolulu; and

3. Through undeveloped area of Kalihi Valley, Kaneohe and other areas toward Kahuku, said route will materially aid the development of said area for farms and homesites; and the land necessary for the construction of the approach highway can be obtained as cheaply as that for either of the other two routes; and

4. At a lower tunnel elevation, 845 feet above sea level, or 155 feet lower in elevation than the proposed Nuuanu Tunnel; and

5. Of the utmost importance as a military highway in time of hostilities; and

WHEREAS, in time of peace said tunnel will be well utilized by the military forces, but in the event of hostilities, said tunnel will be put to maximum and possibly even exclusive use by the military forces; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. That the Congress of the United States of America be, and it is hereby respectfully requested to enact legislation granting federal aid to the city and county of Honolulu for the construction of the Koolau Tunnel Project through the Kalihi Valley.

Section 2. That certified copies of this Joint Resolution be forwarded forthwith by the Secretary of the Territory of Hawaii, to the President of the United States, to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States, and to the Delegate to Congress from Hawaii.

(Approved May 28, 1951.) S.J.R. 41, J.R. 29.

J. R. 30

Joint Resolution Relating to the Hawaii Wing of the Civil Air Patrol and Making an Appropriation From the Airport Revenue Fund in the Territorial Treasury and Providing for Its Expenditure.

WHEREAS, the Civil Air Patrol is an auxiliary of the United States Air Force operated under Congressional Charter, and the essential character of its work has been attested by top-ranking commanders of the United States Air Force; and

WHEREAS, its purpose is to organize public spirited citizens in civil aviation into a volunteer, semi-military organization; to give them supplementary training in military and allied subjects; and to supervise the utilization of their skills and equipment in the defense effort; and

WHEREAS, administered through a national headquarters staff of United States Air Force officers and composed of civilian volunteers who receive no pay; the Civil Air Patrol has a wing patrol in each of the forty-eight states, District of Columbia, Puerto Rico, Alaska and the Territory of Hawaii, which receives equipment from the federal government and relies upon local sources for funds; and

WHEREAS, established in December of 1941, the Civil Air Patrol has performed many useful services for the armed forces, including anti-submarine operations over the coastal shipping lanes of the Eastern and Gulf sea frontiers, southern liaison patrol on the Mexican border, camouflage observations, courier missions, radar flight tests and numerous emergency operations, on which missions approximately fifty million miles have been flown and over fifty of its personnel have been killed; and

WHEREAS, at present the Civil Air Patrol is conducting for the United States Air Force a nationwide missing aircraft search service; and is engaged in the pre-flight training of fourteen, fifteen, sixteen and seventeen year old Civil Air Patrol cadets for possible future service with the armed forces or in civilian aviation; and is in preparation to be an integral part of the national state and local civil defense effort; and

WHEREAS, in addition to its services for the United States Air Force, the Civil Air Patrol also performs emergency missions for other federal agencies, state and territorial governments and private industries engaged in the defense effort, such as patrol of forests, pipelines and flooded areas and the transportation of critical parts and supplies; and

WHEREAS, the Hawaii Aeronautics Commission is empowered and directed in the broadest term to encourage, foster and assist in the development of aeronautics in the Territory and to encourage the establishment of airports and air navigation facilities and to cooperate with and assist the federal government and all other persons in the development of aeronautics and to seek to coordinate the aeronautical activities of the Territory with those of the federal government; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The sum of \$15,000.00 annually, or so much thereof as may be necessary, is hereby appropriated from the Airport Revenue Fund in the territorial treasury for the actual necessary expenses of the Hawaii Wing, Civil Air Patrol, and the Hawaii Aeronautics Commission is hereby authorized and empowered to make available therefor an additional \$5,000.00 annually from said fund.

Section 2. There shall be expended from the sum hereby appropriated only such amounts as shall be needed to repair or replace equipment which shall not be repaired or replaced by the United States Government, the United States Air Force or any other agency; for defraying expenses incurred in actual rescue work or mercy missions; for aviation and civil defense training; for upkeep of communication systems which have been or are in the process of being installed throughout the Territory of Hawaii (provided that only such sums shall be expended on communication systems as will be necessary for the procurement or replacement of equipment not otherwise obtainable by grant or gift from any other source); for the purchase of aviation gasoline solely for the use of said Civil Air Patrol. No sum of money shall be expended for uniforms or personal equipment of any member of the Civil Air Patrol nor shall any sum or sums of money be paid out from funds appropriated for any salaries except as hereinafter provided.

Section 3. The wing commander may employ a salaried assistant, who shall not be subject to the provisions of chapters 2 and 3 of the Revised Laws of Hawaii 1945, at a salary of not more than \$400.00 per month. Such assistant shall perform the duties of adjutant and such other duties as may be required of him by the wing commander.

Section 4. All expenditures from the amount hereinabove appropriated shall be upon vouchers signed by the wing commander of said Civil Air Patrol.

Section 5. In expending the sum hereinabove appropriated, the Civil Air Patrol shall consult and cooperate with the Hawaii Aeronautics Commission to the end that the maximum education and development in aeronautical matters may be afforded and the maximum contribution to civil defense be made.

Section 6. The Hawaii Aeronautics Commission is hereby specifically authorized to cooperate with the Civil Air Patrol to the end hereinabove stated in section 5 and, in particular, to furnish accommodations, goods and services in its discretion to such Civil Air Patrol.

Section 7. This Joint Resolution shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved May 28, 1951.) S.J.R. 47, J.R. 30.

J. R. 31

Joint Resolution Relating to Training and Care of Exceptional Children by the Department of Public Instruction.

WHEREAS, an ever-increasing proportion of our children are "exceptional children" as that term is defined by Act 29 of the Session Laws of Hawaii 1949, namely: children who deviate from so-called normal children in physical, mental, social, or emotional characteristics and capabilities; and

WHEREAS, it is imperative that the Territory take steps to provide for the training and care of such children to enable them to attain the maximum of their abilities and capabilities toward becoming self-supporting, self-respecting citizens; and

WHEREAS, the department of public instruction is fully authorized, independently and in cooperation with other agencies of the Territory and of the United States, to provide instruction, special facilities and special services for these children; and

WHEREAS, sufficient specific appropriations are not available; and

WHEREAS, it is desirable that an immediate start be made toward accomplishing the purposes of the aforesaid act by working with and developing the slow-learner; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The department of public instruction is authorized to provide one special demonstration class for slow-learners at the primary grade level and another such class at the elementary grade level, and, for the purpose of providing such classes, to accept funds from private sources, and to divert any funds appropriated to the department whenever in the opinion of the department such funds can be used to better advantage by being so diverted.

Section 2. This Joint Resolution shall take effect upon its approval.

(Approved May 28, 1951.) S.J.R. 48, J.R. 31.

J. R. 32

Joint Resolution Authorizing the Department of Health to Cooperate With the Department of Public Instruction in Providing Physiotherapy and Occupational Therapy for Exceptional Children.

WHEREAS, by the passage of Act 29 of the Session Laws of Hawaii 1949 the legislature clearly indicated its desire to provide special facilities and services on behalf of children who deviate from the so-called normal person in physical, mental, social, or emotional characteristics or abilities, described in said Act as "exceptional children"; and

WHEREAS, to date sufficient funds have not been provided for the work necessary to be done; and

WHEREAS, physiotherapy and occupational therapy are important in the proper training and development of exceptional children; and

WHEREAS, the physiotherapist and the occupational therapist heretofore provided through the generosity of the Sultan School for Crippled Children are no longer available; and

WHEREAS, it is desirable that their work be continued now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The department of health is authorized, in cooperation with the department of public instruction, to provide one physiotherapist and one occupational therapist for those

exceptional children in the primary and elementary grades within the schools of the city and county of Honolulu needing such services, and, in that connection, to accept funds from private sources and to divert any funds appropriated to the department whenever in the opinion of the department such funds can be used to better advantage by being so diverted.

Section 2. This Joint Resolution shall take effect upon its approval.

(Approved May 28, 1951.) S.J.R. 49, J.R. 32.

J. R. 33

Joint Resolution Requesting the Congress of the United States to Enact Legislation Permitting Any Municipality in the Territory to Borrow Money Pursuant to Chapter 118 of the Revised Laws of Hawaii 1945 as the Same Has Been or in the Future May Be Amended by the Legislature of the Territory of Hawaii and Within Such Periods of Time as the Legislature May Determine.

WHEREAS, the legislature of the Territory of Hawaii in 1935 enacted legislation giving to municipalities, subject to the approval of Congress, the right to issue bonds to be liquidated by the revenues of the public undertakings for the acquisition, purchase, construction, reconstruction, improvement, betterment or extension of which the bonds were issued; and

WHEREAS, the time within which such bonds could be issued was fixed by such legislation and approved by the Congress; and

WHEREAS, the time within which municipalities might borrow money and issue bonds has been extended from time to time by the legislature and the consent of Congress has been repeatedly sought and secured for such extensions; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The Congress of the United States is respectfully requested to enact legislation permitting any municipality in the Territory to borrow money pursuant to chapter 118 of the Revised Laws of Hawaii 1945 as the same has been or in the future may be amended by the legislature of the Territory of Hawaii and within such periods of time as said legislature may determine.

Section 2. Certified copies of this Joint Resolution shall be forwarded to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, to the Secretary of the Interior and to the Delegate to the Congress from Hawaii.

(Approved May 28, 1951.) S.J.R. 54, J.R. 33.

J. R. 34

Joint Resolution Refunding Certain Fees.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The liquor commission of the county of Hawaii is hereby authorized and directed to refund to any licensee whose place of business was destroyed by the tidal wave of April 1, 1946, in Hilo, Hawaii and who was not able to continue in business for the balance of the fiscal year ending June 30, 1946, one-fourth of the license fee paid to said commission.

Section 2. This Joint Resolution shall take effect upon its approval.

(Approved May 28, 1951.) S.J.R. 60, J.R. 34.

J. R. 35

Joint Resolution Providing for the Improvement of the Water Supply System at Kihei, Maui, and Making an Appropriation Therefor by Way of Advancement From the General Fund of the Territory to Be Repaid Out of the Proceeds of Sales of Public Lands.

WHEREAS, over a period of many years, the territory has opened for settlement in the area known as Waiohuli-Keokea at Kihei, Maui, more than 200 houselots together with a large number of homestead lots, and likewise contemplates the opening in the very near future an additional 80 such lots; and

WHEREAS, the opening of these lots with the residence requirement contained in the sale agreements necessitates water development, which considering the inadequate supply available in the immediate locality in which these lots are, has placed an unusually heavy burden on the waterworks system of the county of Maui, not only to find moneys to make necessary extensions, enlargements and improvements, but also to find sufficient water to supply such lots; and

WHEREAS, it is only fair and reasonable that inasmuch as the territory has received the moneys from the disposition of these lots that it should share in the expense necessary to make such lots suitable for the residential purpose for which they were intended; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The sum of \$100,000.00 is hereby appropriated to the Maui county waterworks board, by way of advancement, out of the territorial general fund, which sum shall be reimbursed from the proceeds of the sales of public lands in the county of Maui, for improvement of the water supply system at Kihei, Maui.

Section 2. The territorial treasurer is hereby authorized and directed to transfer the sum appropriated by this Act to the treasurer of the county of Maui to be paid into the waterworks fund in the treasury of the county of Maui and used only for the purpose set forth in this Act.

Section 3. This Joint Resolution shall take effect upon its approval.

(Approved May 31, 1951.) H.J.R. 30. J.R. 35.

J. R. 36*

Joint Resolution Requesting the Congress of the United States to Enact a Bill Enabling the Legislature of the Territory of Hawaii to Authorize the Board of Supervisors of the City and County of Honolulu to Issue Bonds for the Completion of, the Improvements to, and the Development of Certain Existing Public Parks and Playgrounds and for the Acquisition, Construction and Improvement of New Public Parks and Playgrounds in the City and County of Honolulu.

WHEREAS, additional public park areas are needed in the city and county of Honolulu; and

WHEREAS, the public parks and playgrounds are necessary for the health, safety and welfare of the people of the city and county of Honolulu; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. That the Congress of the United States of America be, and it hereby is requested, through the Delegate to Congress from the Territory of Hawaii, to enact legislation which

* Note: Insertion on sheet 4 of original of J.R. 36 of "255" by Secretary of Hawaii.

will enable the Territory of Hawaii, any provision of the Hawaiian Organic Act or any Act of this Congress notwithstanding, to authorize the board of supervisors of the city and county of Honolulu to issue general obligation bonds in the sum of one million six hundred thousand dollars (\$1,600,000.00) for the completion of, the improvements to, and the development of certain existing public parks and playgrounds and for the acquisition, construction and improvement of new public parks and playgrounds in the city and county of Honolulu, and, to that end, the Congress of the United States of America is hereby requested and urged, through said Delegate to Congress, to adopt a bill in substantially the following form, to wit:

"A Bill to enable the legislature of the Territory of Hawaii to authorize the board of supervisors of the city and county of Honolulu to issue bonds in the sum of one million six hundred thousand dollars (\$1,600,000.00) for the completion of, the improvements to, and the development of certain existing public parks and playgrounds, and for the acquisition, construction and improvement of new public parks and playgrounds in the city and county of Honolulu.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

Section 1. The bonds issued under authority of this Act may be either term or serial bonds, maturing, in the case of term bonds, not later than thirty years from the date of issue thereof, and, in the case of serial bonds, payable in substantially equal annual installments, the first installment to mature not later than five years and the last installment to mature not less than thirty years from the date of such issue. Such bonds may be issued without the approval of the President of the United States.

Section 2. Act 255 of the Session Laws of Hawaii 1951, pertaining to the issuance of bonds for the completion of, the improvements to, and the development of certain existing public parks and playgrounds, and for the acquisition of new public parks and playgrounds in the city and county of Honolulu, as authorized by this Act, is hereby ratified and confirmed subject to the provisions of this Act.

Provided, however, that nothing herein contained shall be deemed to prohibit the amendment of such territorial legislation by the legislature of the Territory of Hawaii from time to time to provide for changes in the completions, improvements, developments, acquisitions and constructions authorized by such legislation and for the dis-

position of unexpended moneys realized from the sale of said bonds."

Section 2. A copy of this Joint Resolution shall be forwarded to the President of the Senate, and to the Speaker of the House of Representatives of the Congress of the United States of America, the Secretary of the Interior in Washington, D. C., to the Governor of Hawaii and to the Delegate to Congress from Hawaii.

Section 3. This Joint Resolution shall take effect upon its approval.

(Approved June 5, 1951.) H.J.R. 60, J.R. 36.

J. R. 37

Joint Resolution Relating to the Pacific War Memorial Commission, and Making an Appropriation.

WHEREAS, the Pacific War Memorial Commission was established by Act 288 of the Session Laws of Hawaii 1949; and

WHEREAS, this commission is authorized to create and maintain a living war memorial commemorating the sacrifices of our heroic dead of World War II; and

WHEREAS, the commission was authorized to accept land or other property and assets transferred to it by the Territory or any county for the accomplishment of its objectives; and

WHEREAS, with the advent of the Korean War it is deemed proper and appropriate by the legislature for the scope of this war memorial to include the commemoration of the sacrifices of the men who have recently given and in the future may give their lives for their country; and

WHEREAS, the commission is authorized to promote and secure the cooperation of the national agencies known as the American Battle Monuments Commission and Pacific War Memorial, Inc., and of such other organizations, public or private, as are or shall at any time be seeking to accomplish similar objectives; and

WHEREAS, by Joint Resolution, Session Laws of Hawaii 1949, the legislature expressed the belief that a site for such a memorial be in Honolulu, Territory of Hawaii now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 13162 of said Revised Laws as enacted by said Act 288 is hereby amended by inserting between the second and third paragraphs thereof, the following:

"The commission is authorized to solicit gifts and contributions and to publicize the purposes for which gifts and contributions are being solicited; to advise other federal, state and territorial agencies of its purpose and objects in that behalf as well as private individuals and corporations in Hawaii and in the mainland United States; it shall have authority to accept all gifts and contributions from governmental agencies and private persons except such gifts as may be conditioned upon some restriction of its authority or the purposes which it is designed to execute. It shall have full authority to grant to the American Battle Monument Commission all rights necessary, and not in conflict with the purposes of this chapter, for the erection and maintenance of battle monuments. It is authorized to prepare plans and to develop all lands which may be placed under its jurisdiction for war memorial purposes and in that connection to cooperate with the territorial highway engineer, the Hawaii Aeronautics Commission and such other government and private organizations as may be interested in or affected by such projects; it may enter into contracts and agreements with such government or private agencies for the attainment of its authorized purposes, and it is authorized to utilize such contributions of labor, materials and property, including money, as may be allocated or otherwise made available to it by any person or instrumentality whatsoever, if in the judgment of the commission the acceptance thereof will not limit the scope of the purposes of this chapter."

Section 2. The sum of \$25,000.00 is hereby appropriated from the general revenues of the Territory of Hawaii for the preparation of plans and estimates and for the development of the land selected and acquired for a living war memorial. Said appropriation shall be in addition to any sums heretofore appropriated and shall be expended in the manner provided by section 13166 of said chapter.

Section 3. This Joint Resolution shall take effect ten days after promulgation as required by section 2 of the Revised Laws of Hawaii 1945.

(Approved June 9, 1951.) S.J.R. 62, J.R. 37.

CUMULATIVE INDEX

1945-1951

1950-1951 references are in this type, followed by pages

1945-1949 references are in this type, no pages.

§=section R.L. 1945

c.=Act of S. L.

s.=section of S.L.

A, B, etc.=series of S.L.

	PAGE
ABANDONED PROPERTY	
sale or other disposition of unclaimed property....('49:c.319,B-165)	
ABANDONED VEHICLES	
disposition of by police officers.....('49:c.194,B-164)	
ABANDONMENT	
watercraft or other objects on shores or shore waters, prohibited when.....('49:c.119,A-145)	
ABATEMENT OF NUISANCES	
proceedings generally.....('49:c.40,D-263)	
ABSENTEES	
conservator of property.....('45:c.30,D-202)	
death, proof of.....('45:c.148,D-171)	
small estates, non-residents.....('45:c.199,D-191)	
voters('51:c.263,A-5)	49, 50
voters('49:c.158,A-6)	
voters('45:c.99,A-7)	
ACCESSORY	
sex offenses.....('49:c.26,D-272)	
ACCIDENT AND SICKNESS INSURANCE	
definitions, standard provisions of policy....('51:c.241,C-206)	488-503
ACCIDENTS	
ambulance service, no charge by counties in emergencies.....('49:c.246,B-162)	
automobile, reports of to be made to chief of police('49:c.393,C-224)	
industrial safety bureau, fees.....('49:c.133,A-114)	
police, representation of, § 6017.....('45:c.162,B-119)	
prevention('47:c.64,A-65)	
volunteer personnel.....('45:c.257,A-75)	
workmen's compensation, reports of.....('45:c.10,A-73)	
ACCOUNTS	
common trust fund.....('47:c.130,C-150)	
county procedure.....('45:c.138,B-135)	
receivable, assignment and notice of.....('51:c.45,C-210)	516-520
trustees, guardians.....('45:c.186,D-204)	
veteran's guardian.....('47:c.202,D-186,s.10)	
ACCOUNTS RECEIVABLE	
assignee, duty to inform assignor.....('51:c.45,C-210)	520
assignee's rights('51:c.45,C-210)	520
assignment and notice.....('51:c.45,C-210)	516-520
assignor to act as trustee.....('51:c.45,C-210)	520
definitions('51:c.45,C-210)	516, 517

CUMULATIVE INDEX

	PAGE
ACCOUNTS RECEIVABLE—continued	
notice, filing and form..... ('51:c.45,C-210)	517-520
operation of law..... ('51:c.45,C-210)	520, 521
priority among assignees..... ('51:c.45,C-210)	520
renewal of notice, form..... ('51:c.45,C-210)	519
unnotified debtor, rights of..... ('51:c.45,C-210)	517
validity of assignment..... ('51:c.45,C-210)	517
 ACCUSED	
copy of complaint in district court to be furnished ('49:c.43,D-258)	
 ACKNOWLEDGMENTS	
of certain official signatures not required..... ('45:c.84,D-207)	
outside United States..... ('47:c.86,D-188)	
 ACTIONS	
See Civil Procedure, Courts, Limitations	
associations, suits by and against, service of process (Sp.'49:c.4,D-38)	
judgment, enforcement of (Sp.'49:c.4,D-38)	
See Civil Procedure	
auction law violations ('51:c.196,C-162)	415, 416
claim and demand, personal property, procedure.. (Sp.'49:c.6,D-40)	
See Claim and Demand	
joinder in summary possession..... ('45:c.216,D-175)	
Kaual waterworks board, actions against.... ('51:c.152,B-148)	368, 369
liabilities under federal statute..... ('45:c.174,D-177)	
Maul waterworks board, actions against..... ('49:c.289,B-194)	
payment to territory under protest,	
to recover ('51:c.224,A-41)	133, 134
personnel, limitation to sue..... ('45:c.210,D-178)	
death no interruption..... ('45:c.210,D-178)	
under federal statute..... ('45:c.174,D-177)	
quieting titles at law..... (Sp.'49:c.46,D-39)	
special proceedings for immediate possession of personal property (Sp.'49:c.7,D-41)	
See Special Proceedings	
tax collections from other states, procedure..... ('49:c.311,A-148)	
non-residents, actions against..... ('49:c.311,A-148)	
water board, Hawaii county, action against..... ('49:c.86,B-185)	
wife not liable for husband..... ('45:c.254,D-199)	
See Community Property	
workmen's compensation, against	
third persons ('51:c.194,A-86)	229, 230
 ADMINISTRATION, ADMINISTRATORS	
fees and expenses, allowance of..... ('51:c.170,D-223)	559-562
See Executors and Administrators, Probate	
 ADOPTION	
birth records, amendment in case of..... ('49:c.327,A-92)	
consent in writing, when required..... ('49:cc.42,330,D-283,284)	
decree, modification ('47:c.47,D-175)	
decree, recording of ('49:c.328,D-285)	
names, changes of, § 12337..... ('45:c.145,D-200)	
parental relationship..... ('47:c.47,D-175)	
record of ('47:c.47,D-175)	
secrecy of records..... ('45:c.40,D-194)	
veterans, copies of decrees to be furnished free..... ('49:c.44,D-250)	
will, adoption revokes when..... ('51:c.270,D-235)	579
 ADULT EDUCATION	
administration, etc. ('45:c.108,A-33)	
appropriation for..... ('49:c.305,F-336)	

CUMULATIVE INDEX

	PAGE
ADVERSE PARTY	
examination of.....('45:c.183,D-167)	
ADVERTISING	
liquor premises, regulated on.....('49:c.301,C-212)	
sale of securities, restrictions on.....('49:c.210,C-242)	
AERONAUTICS	
See Airports, Airport Zoning	
air cargo transportation tax and	
fee exemption.....('51:J.R.13)	733, 734
airport funds.....('47:c.32,A-75,s.7)	
appropriations for airport improvements.....('47:c.23,F-215)	
fire fighting equipment, appropriation for.....('49:c.336,F-329)	
Honolulu Airport.....('47:c.31,A-76)	
Honolulu International Airport.....('51:c.3,A-104)	255
John Rodgers Terminal.....('47:c.31,A-76)	
liquor licenses.....('47:c.148,C-180)	
reports, violations, etc.('47:c.32,A-75,s.20)	
AERONAUTICS COMMISSION	
air cargo transportation, tax and fee exemption.....('49:J.R.25)	
appropriations for airport improvements.....('49:c.368,F-333)	
bond issue for improvements to airports.....('49:c.381,E-322)	
civil air patrol, appropriation for.....('51:J.R.30)	751, 752
contract with Hawaii county ratified.....('51:c.63,F-310)	703, 704
creation, duties, powers.....('47:c.32,A-75)	
creation, membership.....('49:c.360,A-141)	
operation and use privileges.....('49:c.374,A-142)	
retirement system, contributions to.....('51:c.245,A-29)	107, 108
AFFRAY	
offense defined, penalty.....('49:c.325,D-261)	
AGENTS	
checks by or to fiduciary.....('45:c.197,C-148,ss.5,6)	
community property.....('45:c.273,D-201)	
compensating tax, responsibility.....('47:c.113,A-85)	
deposits, fiduciary.....('45:c.197,C-148,ss.7-10)	
fiduciary powers, restrictions.....('45:c.197,C-148)	
insurance, license, etc.('45:c.240,C-149)	
marriage, divorced persons.....('47:c.83,D-182)	
marriage license.....('47:c.21,D-181)	
minors, consent of judge.....('47:c.43,D-180)	
necessity of premarital examination, syphilis...('45:c.136,D-197)	
stock transfers.....('47:c.124,C-136)	
treasurer's depositories § 5803.....('45:c.59,A-113)	
AGENTS TO GRANT MARRIAGE LICENSES	
duty to report issuance of licenses.....('49:c.327,A-92)	
AGRICULTURAL COMMODITIES	
regulation of marketing.....('45:c.252,A-29)	
For detail see L. 1945; also Food Products	
AGRICULTURAL COOPERATIVE ASSOCIATIONS	
application of law to existing associations.....('49:c.234,C-230)	
articles of association.....('49:c.234,C-230)	
amendments.....('49:c.234,C-230)	
filing and recording of.....('49:c.234,C-230)	
by-laws.....('49:c.234,C-230)	
certificates, stock or membership, dividends,	
transfers, preferred stock.....('49:c.234,C-230)	
contracts between association and members.....('49:c.234,C-230)	
definitions.....('49:c.234,C-230)	
directors, qualifications, terms, etc.('49:c.234,C-230)	
removal of.....('49:c.234,C-230)	
dissolution, voluntary.....('49:c.234,C-230)	

CUMULATIVE INDEX

	PAGE
AGRICULTURAL COOPERATIVE ASSOCIATIONS—continued	
extensions and renewals.....	('49:c.234,C-230)
incorporators, qualifications of.....	('49:c.234,C-230)
injunction to enforce contracts.....	('49:c.234,C-230)
legislative declaration and interpretation.....	('49:c.234,C-230)
license, fee for.....	('49:c.234,C-230)
meetings, general and special, how called.....	('49:c.234,C-230)
members.....	('49:c.234,C-230)
name.....	('49:c.234,C-230)
officers, election of.....	('49:c.234,C-230)
removal of.....	('49:c.234,C-230)
penalty for violation.....	('49:c.234,C-230)
powers of associations.....	('49:c.234,C-230)
purposes of associations.....	('49:c.234,C-230)
recording of contracts.....	('49:c.234,C-230)
referendum.....	('49:c.234,C-230)
reports, annual, to be made.....	('49:c.234,C-230)
restraint of trade, monopoly, associations	
not deemed as.....	('49:c.234,C-230)
saving clause.....	('49:c.234,C-230)
taxation, exemption from, conditions.....	('49:c.234,C-230)
university of Hawaii to appoint specialist in.....	('49:c.248,A-57)
AGRICULTURAL PRODUCTS	
export of, duties of industrial research	
advisory council.....	('49:c.122,A-43)
farm produce dealers.....	('49:c.114,A-41)
commission merchants, bonding of.....	('51:c.74,A-36) 119, 120
complaints and investigations.....	('51:c.74,A-36) 121
complaints and investigations.....	('49:c.114,A-41)
credits for loss or dumping.....	('51:c.74,A-36) 120, 121
credits for loss or dumping.....	('49:c.114,A-41)
definitions.....	('51:c.74,A-36) 115-117
definitions.....	('49:c.114,A-41)
director, duties of.....	('51:c.74,A-36) 121
director, marketing division, duties of.....	('49:c.114,A-41)
fees, and disposition of.....	('49:c.114,A-41)
fees and charges, disposition of.....	('51:c.74,A-36) 122
license, issuance, revocation, suspension.....	('49:c.114,A-41)
licenses.....	('51:c.74,A-36) 117-119
licenses.....	('49:c.114,A-41)
nuisance may be enjoined.....	('51:c.74,A-36) 121
nuisance may be enjoined.....	('49:c.114,A-41)
penalties.....	('51:c.74,A-36) 121
penalties.....	('49:c.114,A-41)
records to be kept.....	('51:c.74,A-36) 119
records to be kept.....	('49:c.114,A-41)
remedies and penalties not exclusive.....	('51:c.74,A-36) 121, 122
remittances to producers.....	('51:c.74,A-36) 120
remittances to producers.....	('49:c.114,A-41)
revocation or suspension of license.....	('51:c.74,A-36) 121
sales, reports of.....	('51:c.74,A-36) 120
sales, reports of.....	('49:c.114,A-41)
saving clause.....	('51:c.74,A-36) 122
fruits, vegetables, nuts, export of, regulations.....	(Sp.'49:c.56,A-12)
fruits, vegetables, nuts, export of, regulations.....	('49:c.117,A-42)
definitions.....	('49:c.117,A-42)
director, marketing division, duties.....	('49:c.117,A-42)
fees, and disposition of.....	('49:c.117,A-42)
inspection compulsory.....	('49:c.117,A-42)
penalties, actions.....	('49:c.117,A-42)
purpose of law.....	('49:c.117,A-42)
rules and regulations.....	('49:c.117,A-42)
weed control.....	('49:c.357,A-45)
AGRICULTURE AND FORESTRY	
agents to sell hunting (sport fishing) licenses,	
appointment of.....	('49:c.82,A-28)
agricultural commodities.....	('45:c.252,A-29)

CUMULATIVE INDEX

AGRICULTURE AND FORESTRY—continued

	PAGE
agricultural cooperative associations	(49:c.234,C-230)
animals, continuing trespass.....	(45:c.266,A-23)
animals, entry	(47:c.177,A-28)
appropriations, 1951-1953	(51:c.318,F-274)
birds, days of open season.....	(47:c.29,A-30)
birds for educational, scientific purposes purchased by Honolulu park board.....	(45:c.237,B-137,s.5)
birds, open season, definitions, penalty.....	(49:c.145,A-34)
board	
contracts, authority to make re fish and game....	(49:c.83,A-27)
fish and game, powers of board.....	(49:c.83,A-27)
meetings on Hawaii, Maui, Kauai.....	(49:c.55,A-26)
bovine tuberculin tests.....	(45:c.104,A-22)
canals, fishing in.....	(47:c.19,A-32)
canals, fishing in, regulated.....	(51:c.58,A-34)
cat and dog fund.....	(47:J.R.8)
economic poisons, inspectors.....	(49:c.136,A-35)
economic poisons, regulation.....	(45:c.60,A-24)
farm advisory board, representative on.....	(49:c.235,A-31)
farm produce dealers, licensing, etc.....	(51:c.74,A-36)
farm produce dealers, licensing, etc.....	(49:c.114,A-41)
See Agricultural Products	
feed stuffs, inspectors.....	(49:c.135,A-44)
feed stuffs, regulation of.....	(47:c.84,A-36)
fish and game wardens, etc., power to enforce firearm and other laws.....	(47:c.13,A-26)
fish dealers' receipts, reports.....	(45:c.24,A-28)
fish, etc., from non-territorial waters.....	(45:c.107,A-25)
fish, minimum sizes.....	(49:c.211,A-37)
fish, scientific purposes.....	(45:c.14,A-21)
fish traps, licensing of.....	(51:c.53,A-33)
fishing, commercial, by allens.....	(49:c.211,A-37)
fishing, commercial, defined	(Sp.49:c.51,A-11)
fishing, commercial, regulation of.....	(49:c.272,A-40)
sale of excess catch, license for.....	(49:c.272,A-40)
fishing for nehu, iao; penalty.....	(47:c.179,A-33)
fishing, fresh water game fish, license.....	(Sp.49:c.57,A-10)
fishing law amendments.....	(47:c.39,A-34)
fishing permits, reports.....	(45:c.23,A-27)
fishing with firearms, spears.....	(49:c.211,A-37)
fishing with poisons, chemicals, penalty.....	(49:c.49,A-38)
forfeiture, fishing, hunting gear.....	(47:c.14,A-27)
forfeiture, sale of fishing, hunting gear.....	(49:c.66,A-30)
food product, grades, etc.	(47:c.195,A-35)
fruits, vegetables, nuts, export of, regulation....	(Sp.49:c.56,A-12)
fruits, vegetables, nuts, export of, regulation....	(49:c.117,A-42)
See Agricultural Products	
game mammals, defined.....	(49:c.186,A-33)
game reserves, refuges, public shooting grounds, establishment of.....	(51:c.6,A-31)
hunting license, fee, penalty, etc.	(49:c.84,A-29)
improvements 1947-49	(47:c.206,F-208)
industrial research advisory council, amendments	(51:c.217,A-37)
industrial research advisory council, duties of....	(49:c.122,A-43)
inventories to auditor, § 1651.....	(45:c.151,A-31)
marketing, etc. fund.....	(47:c.195,A-35,s.14)
marketing-control fund	(45:c.252,A-29,s.10)
economic poisons	(45:c.60,A-24,s.8)
seed fees, § 1354.09.....	(45:c.90,A-30)
mixed feed stuffs, inspectors.....	(51:c.56,A-38)
nene, appropriation for rehabilitation.....	(51:c.68,F-292)
nets and traps, minimum size.....	(49:c.211,A-37)
nets, fine meshed throw net, penalty.....	(47:c.12,A-31)
non-citizen, emergency employment.....	(45:c.127,A-26)
opelu fishing regulated.....	(51:c.13,A-35)
permits for scientific, etc. purposes.....	(45:c.14,A-21)
plant quarantine stations.....	(47:c.80,F-237)
poisons, economic, regulation.....	(45:c.60,A-24)
pound fees	(47:c.15,A-29)

CUMULATIVE INDEX

PAGE

AGRICULTURE AND FORESTRY—continued

rules, fish supply.....	('47:c.178,A-25)	
seeds, sale, etc.	('45:c.90,A-30)	
See Topic Seeds		
soil conservation districts.....	('47:c.191,A-37)	
sport fishing licenses.....	('49:c.348,A-36)	
territorial parks division.....	('49:c.185,A-32)	
appropriations, apportionment.....	('49:c.185,A-32)	
budget for expenses.....	('49:c.185,A-32)	
county contributions.....	('49:c.185,A-32)	
definitions	('49:c.185,A-32)	
director, qualifications, powers, duties.....	('49:c.185,A-32)	
division of territorial parks created.....	('49:c.185,A-32)	
duties of board.....	('49:c.185,A-32)	
exceptions, county parks.....	('49:c.185,A-32)	
park fund	('49:c.185,A-32)	
powers of board.....	('49:c.185,A-32)	
rules and regulations, penalty.....	('49:c.185,A-32)	
territorial park system designated.....	('49:c.185,A-32)	
unbranded animals, owners of	('51:c.32,A-30)	109
water resources, conservation, development.....	('49:c.274,A-46)	
See Water Resources		
weed control	('51:c.76,A-39)	127-131
weed control	('49:c.357,A-45)	
director of marketing division, duties.....	('49:c.357,A-45)	

AIEA CEMETERY

funds for	('45:c.128,F-236;c.129,F-237)
-----------------	-------------------------------

AIR FORCE

civil air patrol, appropriation for.....	('51:J.R.30)	751-753
legal officers permitted to appear in traffic court. (Sp.)	'49:c.88,D-37)	

AIRCRAFT

application of weed control substances by,	
regulations	('49:c.357,A-45)
malicious conversion of, penalty.....	('49:c.217,D-266)

AIRPORT ZONING

regulating hazards, etc.	('45:c.182,A-85)
for detail see L. 1945	
See also	('47:c.32,A-75,p.164-182)

AIRPORTS

aeronautics commission control.....	('47:c.32,A-75)	
air freight business, exemption from fees.....	('51:J.R.13)	733-734
bond issue for improvements to.....	('49:c.381,E-322)	
cargo transports, tax and fee exemptions.....	('49:J.R.25)	
fire fighting equipment for.....	('49:c.336,F-339)	
fund, § 5260 amended.....	('47:c.32,A-75)	
See 1947 Supplement		
funds, request of Congress.....	('47:J.R.2)	
Hana, Kailua, Kalaupapa, Lanai, Lihue.....	('45:c.153,F-232)	
Honolulu airport	('47:c.31,A-76)	
Honolulu, agreement re title to.....	('49:J.R.18)	
Honolulu International Airport.....	('51:c.3,A-104)	255
John Rodgers	('45:c.87,E-219)	
John Rodgers, part of to U.S.	('47:J.R.9)	
John Rodgers Terminal.....	('47:c.31,A-76)	
Kahului, Puunene	('47:J.R.18)	
Keehi Lagoon	('45:c.87,E-219)	
Kona airport	('49:c.32,A-143)	
licenses	('47:c.32,A-75,p.17)	
use of	('47:c.32,A-75,p.8)	

ALCOHOL

evidence of in drunk driving cases.....	('49:c.263,D-275)
---	-------------------

ALIEN PROPERTY CUSTODIAN

corporate director, shareholder.....	('45:c.143,C-144)
--------------------------------------	-------------------

CUMULATIVE INDEX

PAGE

ALIENS

See Citizens

- fishing by('45:c.127,A-26)
- fishing, commercial, prohibited when.....('49:c.211,A-37)
- parents of veterans.....('45:J.R.3) ('47:J.R.5)
- workmen's compensation law, payment of
benefits under('49:c.293,A-118)

ALIMONY

- community property division.....('45:c.273,D-201)
- See also Divorce
- contracts for('45:c.5,D-198)

AMBULANCE SERVICE

- counties to render free in emergencies.....('49:c.246,B-162)

AMERICAN BATTLE MONUMENTS COMMISSION

- request to erect war memorial in Honolulu.....('49:J.R.29)

AMUSEMENTS

- ball, marble, etc., permitting minors to play.....('45:c.36,C-139)
- excise tax('47:c.111,A-81)
- tickets, scalping prohibited.....('45:c.39,D-183)
- See Games, Recreation

ANAHOLA, KAUAI

- survey of roads, etc.('45:c.232,F-245)

"AND," "OR"

- construction of('45:c.233,A-2,s.2)

ANGLING

- at night, license.....('47:c.39,A-34)

ANIMALS

- bovine tuberculin tests.....('45:c.104,A-22)
- cat and dog fund.....('47:J.R.6)
- diseased, entry how.....('47:c.177,A-28)
- feed stuffs, inspectors.....('49:c.135,A-44)
- feed stuffs regulated.....('47:c.84,A-36)
- game mammals, defined.....('49:c.186,A-33)
- pound fees('47:c.15,A-29)
- trespass, continuing('45:c.266,A-23)
- unbranded, owners of('51:c.32,A-30)
- veterinarians('49:c.280,A-91)

109

ANNULMENT

See Divorce

- declaratory judgment barred.....('45:c.74,D-172)
- decree, registration of.....('51:c.62,A-65) 183, 184

ANTITOXINS

- purchase by board of health.....('45:c.191,A-6)
- vaccination, etc., when compulsory.....('45:c.171,A-49)
- See Vaccination and.....('47:c.165,A-51,p.104-106)

APARTMENTS

See Buildings

- plans, approval of fire marshal.....('45:c.166,C-150)

APOTHECARY

- regulation of('49:c.175,A-89)

CUMULATIVE INDEX

	PAGE
APPEALS	
airport rulings	('47:c.32,A-75,s.14)
airport zoning to supreme court.....	('45:c.182,A-85,s.11)
automobile dealers and salesmen, orders of board.....	('51:c.90,C-177)
barbering board, from.....	('47:c.194,A-44,s.6)
bond, insufficient or failure to file, procedure.....	(Sp.'49:c.41,D-35)
chauffeur's license, suspension or revocation of..	(Sp.'49:c.19,C-32)
circuit judges at chambers, from.....	('45:c.194,D-153)
commercial rent control.....	('46:c.69,E-215,s.12)
district magistrate, from, costs, procedure..	('51:c.272,D-219)
ejectment proceedings, from district court.....	('49:c.315,D-248)
emigrant agent, license suspension.....	('51:c.106,A-77)
eminent domain proceedings.....	('51:c.12,A-8)
fire, marine insurance.....	('47:c.61,C-146,s.16)
frivolous, summary possession.....	('45:c.192,D-176)
general excise, exemptions, § 5459.....	('45:c.253,A-104)
industrial loan company, license revocation..	('51:c.87,C-214)
industrial safety decrees.....	('47:c.64,A-65,s.7)
insurance business trade regulation orders..	('51:c.298,C-207)
insurance rating decisions.....	('47:c.60,C-145,s.17)
also	('47:c.61,C-146,s.16)
juvenile courts, from.....	('49:c.45,D-292)
juvenile courts, from.....	('47:c.50,D-179)
labor board decisions.....	('45:c.250,A-65,s.9)
liquor commissions, allowed when.....	('51:c.280,C-171)
liquor control, defense act.....	('45:c.52,E-214)
massage board, from.....	('47:c.192,A-52,s.20)
motor vehicle registration, appeals from treasurer	('51:c.237,C-176)
motor vehicle safety responsibility act, from orders of chief of police.....	('49:c.393,C-224)
purchase Wahlaw Water Co.	('47:c.237,E-193,s.14)
rent control	('45:c.178,D-155)
tax cases, costs, etc. (see "Taxation").....	('45:c.92,A-99)
taxes paid pending appeal.....	('51:c.224,A-41)
weed control permits, revocation, etc.....	('51:c.76,A-39)
APPRAISERS	
fees, § 5574; § 9761.....	('45:c.37,A-108)
APPRENTICESHIP	
agreements, council, etc.	('45:c.22,A-67)
barbers	('47:c.194,A-44)
beautician	('47:c.238,A-45)
director, vocational education.....	('45:c.219,A-38)
nurses, practical	('47:c.240,A-57)
APPROPRIATIONS	
for 1945-1949 appropriations see those volumes	
accident, sickness insurance law.....	('51:c.241,C-206)
biennial appropriation for 1951-1953.....	('51:c.318,F-274)
blind persons, aid to.....	('51:c.207,F-286)
bonus for pensioners.....	('51:c.247,F-279)
bonus for territorial employees.....	('51:c.322,F-278)
civil air patrol.....	('51:J.R.30)
civil defense law.....	('51:c.268,E-253)
See Civil Defense	
claims, payment of	
Campos, Lawrence W., when adjudicated..	('51:c.52,F-297)
Carreira, Emil and Dolinda, when adjudicated	('51:c.143,F-298)
De Matta, Edith K.....	('51:c.109,F-295)
Oahu prison employees.....	('51:c.324,F-294)
relief of Frank R. Sommerfeld.....	('51:J.R.28)

CUMULATIVE INDEX

	PAGE
APPROPRIATIONS—continued	
claims, payment of—continued	
tax overpayments and other claims..... ('51:c.300,F-293)	687-690
Wung, E. L., when adjudicated..... ('51:c.242,F-299)	694, 695
constitution, ratification of..... (Sp.'50:J.R.1)	6, 7
deficiency appropriations	
for 1949-1951..... ('51:cc.17,1,F-275,F-276)	673-675
explosives, control of..... ('51:c.101,A-105)	258
Hawaii County	
government buildings, sale of..... ('51:c.299,F-306)	701
highways, federal aid..... ('51:c.111,F-309)	703
Kaumana Park, South Hilo..... ('51:c.40,F-305)	700, 701
pay increases to employees..... ('51:c.28,F-307)	702
water main, Kamuela to Kawaihae..... ('51:c.285,F-308)	702
Hawaii employment relations board..... ('51:c.15,F-277)	676
Hawaii housing authority..... ('51:c.236,F-280)	678
Hawaii statehood commission..... ('51:c.70,F-289)	685
Honolulu	
reimbursements by Territory... ('51:cc.273-277,F-312-F-316)	705-708
industrial research advisory council..... ('51:c.217,A-37)	124, 125
insurance business, regulation of..... ('51:c.298,C-207)	513
insurance coverage, territorial, research... ('51:c.264,A-129)	320
judge, seventh, first circuit..... ('51:c.26,D-220)	556
judges of supreme, circuit courts..... ('51:c.72,E-254)	637
Kamehameha day celebrations..... ('51:c.131,F-283)	680
Kapalama-Kai fill..... ('51:c.214,F-302)	699
Kauai county	
flood control, Waimea..... (Sp.'50:c.6)	5
Kapaa land development..... ('51:c.79,F-317)	708, 709
Kulani pasture development..... ('51:c.150,F-282)	679
legislature, regular session..... ('51:c.2,F-284)	680-682
legislature, special session 1950..... (Sp.'50:c.1)	1
loan fund act of 1949, amendments	
..... ('51:cc.14,100,234,E-269,E-270,E-271)	659, 660
loan fund act of 1951..... ('51:c.321,E-268)	654-659
major disaster relief..... (Sp.'50:c.3)	2
Maui county	
Lahaina breakwater..... (Sp.'50:c.2)	1, 2
Maalaea hoat harbor..... ('51:c.10,F-318)	709
Maui county waterworks board..... ('51:J.R.35)	756, 757
medical care of indigents..... ('51:c.129,A-57)	165
nene, rehabilitation of..... ('51:c.68,F-292)	687
nursing education and nursing services	
commission..... ('51:J.R.18)	739, 740
Oahu prison land sale, disposal	
of proceeds..... ('51:c.314,F-301)	698
Pacific war memorial commission..... ('51:J.R.37)	759, 760
portrait of Governor Stainback..... ('51:c.248,F-288)	684, 685
public improvements (1950 special session)..... (Sp.'50:c.5)	4, 5
reserve officers training corps..... ('51:J.R.21)	742, 743
retirement system..... ('51:c.110,A-22)	100, 101
salary standardization law..... ('51:c.320,A-3)	47
scholarship fund for graduate nurses..... ('51:c.315,F-285)	682, 683
school of nursing..... ('51:c.174,A-51)	155
statehood commission..... (Sp.'50:c.4)	3
subversive activities commission..... ('51:c.130,E-256)	642
surplus property, purchase of..... ('51:c.289,A-14)	69
surplus property revolving fund abolished.. ('51:c.211,F-303)	699
survey of public lands..... ('51:c.260,F-287)	684

CUMULATIVE INDEX

	PAGE
APPROPRIATIONS—continued	
teachers salaries	('51:c.325,A-45) 144
veterans' cemeteries	('51:c.179,F-290) 686
Washington Place, repairs and equipment....	('51:c.210,F-291) 686
ARBITRATION AND AWARDS	
award, confirmation of.....	('49:c.247,C-239)
ARCHITECTS	
application for registration, certificates, fees, renewal	('49:c.306,C-226)
ARCHIVES	
appropriations, 1951-1953	('51:c.318,F-274) 669
certification and fees.....	('45:c.109,D-170)
copies public documents, fees.....	('45:c.248,A-11)
government records, disposal of.....	('49:c.65,A-13)
archivist, duties of.....	('49:c.65,A-13)
historical sites commission.....	('51:c.36,E-248) 597, 598
reproduction of records.....	('45:c.26,A-12)
See Public Records	
rules, seal	('45:c.238,A-3)
ARMED FORCES	
acknowledgements, § 12739	('47:c.86,D-188)
civilian service, government employees.....	('45:c.114,A-16)
See National Guard	
conservator of absentee's property.....	('45:c.30,D-202)
government employees in.....	('45:c.184,A-14)
naturalization of parents.....	('45:J.R.3)
See Citizens	
re-employment, government employees.....	('45:c.263,A-4)
retirement system members, special benefits for	('51:c.262,A-19) 80-84
small estates	('45:c.258,D-190)
veterans	
See Veterans	
veterans' affairs council.....	('51:c.75,E-252) 603-606
ARMORY BOARD	
appointment, duties, etc.....	('51:c.37,E-250) 599, 600
ARMY AND NAVY	
legal officers permitted to appear in traffic court.(Sp.'49:c.38,D-37)	
ARRAIGNMENT	
district courts, criminal proceedings.....	('49:c.43,D-258)
ARREST	
copy of warrant to be furnished to accused.....	('49:c.43,D-258)
ARTESIAN BASIN	
water resources, conservation and development....	('49:c.274,A-46)
ASSAULT AND BATTERY	
offenses defined, penalties.....	('49:c.325,D-261)
See Crimes and Offenses	
ASSEMBLIES	
building plans, approval of fire marshal.....	('45:c.166,C-150)
ASSESSMENTS	
improvements by assessments, Hawaii county....	('49:c.356,B-187)
improvements by assessments, Honolulu.....	('49:c.267,B-205)
improvements by assessments, Maui county.....	('49:c.271,B-193)
real property for taxation purposes.....	(Sp.'49:c.64,A-18)

CUMULATIVE INDEX

	PAGE
ASSIGNEE	
accounts receivable, rights and duties.....('51:c.45,C-210)	516-521
fiduciary powers, restrictions.....('45:c.197,C-148)	
See Corporations, stock transfer	
ASSIGNMENT	
accounts receivable, assignment and notice..('51:c.45,C-210)	516-520
circuit judges to other circuits.....('49:c.37,D-245)	
ASSIGNOR	
accounts receivable, rights and duties.....('51:c.45,C-210)	516-521
ASSOCIATIONS	
agricultural cooperative associations('49:c.234,C-230)	
See Agricultural Cooperative Associations	
suits by and against, service of process.....(Sp.'49:c.4,D-38)	
judgment, enforcement of(Sp.'49:c.4,D-38)	
ATTACHMENT	
bond for, § 10144.....('47:c.190,D-161)	
bribery forfeiture, no bond.....('47:c.188,D-166)	
corporate stock('47:c.124,C-136,ss.14,24)	
for expenses, inmate, Walmano home.....('45:c.193,A-65)	
insurance exempt when.....('45:c.240,C-149)	
motor vehicles, recording of.....('49:c.164,C-216)	
registered land, filing of.....('49:c.237,D-301)	
warehouse receipts, goods covered by.....('51:c.39,C-218)	545
ATTORNEY GENERAL	
aeronautics, enforcement('47:c.32,A-75,s.18)	
agricultural commodities control.....('45:c.262,A-29)	
appropriations, 1951-1953('51:c.318,F-274)	662
bonds, warrants, destruction.....('47:c.147,A-39)	
bonds of officers, approval of.....('51:c.264,A-129)	319
boxing promoter's bond, action on.....('49:c.264,C-225)	
bribery forfeitures('47:c.188,D-166)	
civil service, interpretation.....('47:c.110,A-2)	
civil service law, interpretation.....('51:c.319,A-2)	3
crime statistics, bureau.....('47:c.246,A-38)	
dividends, unclaimed, escheat.....('47:c.127,D-162)	
eminent domain, may institute.....('47:c.200,A-12)	
eminent domain proceedings instituted by....('51:c.12,A-8)	54, 55
expense, inmate, Walmano home.....('45:c.193,A-65)	
foreign language schools, enforcement of	
laws regarding('49:c.72,A-55)	
fruit, vegetable, nuts, export law, duties.....('49:c.117,A-42)	
government employees refusal to testify,	
duties regarding('51:c.177,A-15)	71
government records, disposal of, duties.....('49:c.65,A-13)	
highway repair expenses, duty to enforce	
collection('45:c.173,A-88,s.4)	
identification, bureau of.....('47:c.246,A-38)	
inventories to auditor, § 1661.....('45:c.151,A-31)	
investigators, appointment and powers.....('51:c.163,A-40)	132
jurisdiction, district courts.....('47:c.231,D-156)	
juvenile court appeals.....('47:c.50,D-179)	
legislative hearings, duty to prosecute offenders..(Sp.'49:c.40,A-7)	
loyalty board, advisor to.....('51:c.256,A-20)	96
motor vehicle safety responsibility act,	
duties under('49:c.393,C-224)	
nuisances, proceedings to enjoin.....('49:c.40,D-263)	
optician board, counsel for.....('49:c.183,A-87)	
public utilities commission, to act as counsel for..('49:c.179,A-134)	
public utility labor law, duties under.....('49:c.146,A-109)	
soil conservation('47:c.191,A-37,s.4)	
stevedoring industry, settlement of labor	
disputes(Sp.'49:c.62,A-15)	
See Labor Disputes, Stevedoring Industry	

CUMULATIVE INDEX

	PAGE
ATTORNEY GENERAL—continued	
strikes against government, duty to enforce law. (Sp.'49:c.42,A-9)	
support, enforcement of, uniform law..... ('51:c.216,D-238)	582-586
surplus property, duties relating to..... ('51:c.289,A-14)	68, 69
tax collections against non-residents, duties..... ('49:c.311,A-148)	
ATTORNEYS	
admission to bar, qualifications..... (Sp.'49:c.67,D-36)	
district magistrates, which..... ('47:c.178,D-155)	
employment relations counsel..... ('45:c.250,A-68,s.4)	
fees	
accounts receivable, actions involving..... ('51:c.45,C-210)	520
probate proceedings..... ('51:c.167,D-224)	582
fees, stock transfers..... ('47:c.124,C-136,s.16)	
juvenile court appeals..... ('47:c.60,D-178)	
master fees..... ('45:c.95,A-10)	
qualifications..... ('45:c.226,D-157)	
AUCTION	
abandoned vehicles, sale by police officers..... ('49:c.194,B-164)	
charges authorized..... ('51:c.186,C-163)	416, 417
fishing, hunting gear, seized and forfeited..... ('49:c.66,A-30)	
guardian's sale of ward's property..... ('49:c.81,D-297)	
Hawaii housing authority, sale of personal property..... ('49:c.220,A-96 and c.128,A-97)	
injunction to enjoin violations..... ('51:c.196,C-162)	415, 416
lien for laundering, etc..... ('45:c.188,C-151,s.2)	
unclaimed property, sale of..... ('49:c.319,B-165)	
unlawful auctions..... ('51:c.196,C-162)	415
warehouseman's lien, sales..... ('51:c.39,C-218)	547
AUDIT AND AUDITOR	
accounts, adjustment..... ('45:c.44,F-253)	
armory board expenditures..... ('51:c.37,B-250)	599, 600
appropriations, 1951-1953..... ('51:c.318,F-274)	662
bonds, warrants, destruction..... ('47:c.147,A-39)	
bonus for pensioners..... (Sp.'49:c.55,E-50)	
cash in lieu of vacation or leave,	
payment of..... ('51:c.262,A-19)	80
cat and dog fund..... ('47:J.R.6)	
cemetery employees not under civil service, classification,	
retirement, or bonus..... ('45:c.128,F-236)	
clerk of court, annually..... ('47:c.160,D-172)	
deduction from payroll for dues and insurance	
premiums..... ('49:c.275,A-48)	
depository contracts, § 5854..... ('45:c.119,A-115)	
expenditure harbor funds..... ('47:c.72,A-78,s.4)	
expenditure of public money..... ('51:cc.227,78,A-9,A-10)	62-64
government employees refusal to testify,	
duties regarding..... ('51:c.177,A-15)	71
government records, disposal of, duties..... ('49:c.65,A-13)	
Hawaii housing funds..... ('47:J.R.4)	
Honolulu accounting procedures..... ('45:c.188,B-135)	
Honolulu, duties § 6694..... ('47:c.234,B-133)	
inventories, § 1651..... ('45:c.151,A-81)	
legislature, appropriation for regular session.. ('51:c.2,F-284)	680-682
legislature accounts..... ('47:c.2,F-219,s.5)	
loan fund act of 1949..... ('49:c.400,B-325)	
loan fund duties..... ('47:c.205,F-209)	
pension bonus, biennium..... ('45:c.175,F-234)	
protest, payment made under, action	
to recover..... ('51:c.224,A-41)	133, 134
revenue bonds, § 5944..... ('47:c.74,A-97)	
surplus property purchase fund..... ('45:c.207,F-248)	
territorial, deposit duties, § 5851..... ('45:c.119,A-115)	
university projects, s. 1991.11..... ('47:c.141,A-42)	
withholding of pay, civil service violations.... ('51:c.319,A-2)	18

CUMULATIVE INDEX

	PAGE
AUTOMOBILE	
See Motor Vehicles	
AUTOMOBILE DEALERS AND SALESMEN	
appeals to circuit court.....('51:c.90,C-177)	443
bond of licensed dealers.....('51:c.90,C-177)	439, 440
bonds of dealers, suit on.....('49:c.171,C-223)	
change of status of licensee,	
supplemental statement('51:c.90,C-177)	442
construction of law.....('51:c.90,C-177)	446
contracts, installment, limitations affecting..('51:c.90,C-177)	444, 445
county attorneys, prosecutor, duties.....('51:c.90,C-177)	443
county boards, appointment, duties.....('51:c.90,C-177)	435
secretary, assistants, directors.....('51:c.90,C-177)	435
definitions('51:c.90,C-177)	433, 434
definitions('49:c.163,C-220 and c.168,C-221)	
funds of board, expenses, etc.....('51:c.90,C-177)	436, 437
injunction proceeding to enforce law.....('49:c.163,C-220)	
injunction to restrain unlawful acts.....('51:c.90,C-177)	445
licenses('51:c.90,C-177)	437-443
dealers, application, disqualifications.....('51:c.90,C-177)	437, 438
fees for, expiration.....('49:c.168,C-221)	
form, fees, expiration, exhibiting, etc.....('51:c.90,C-177)	441, 442
not issued, when.....('51:c.90,C-177)	438-441
renewal('49:c.165,C-222)	
salesmen, application, disqualifications....('51:c.90,C-177)	339-441
suspension, revocation('51:c.90,C-177)	442, 443
transfer of, prohibited.....('51:c.90,C-177)	441, 442
notice of hearing to licensees.....('51:c.90,C-177)	443
other laws, certain, not applicable.....('51:c.90,C-177)	446
penalties('51:c.90,C-177)	445, 446
records, confidential nature of.....('51:c.90,C-177)	446
records to be kept.....('51:c.90,C-177)	443
reports to treasurer.....('51:c.90,C-177)	441, 442
rules and regulations, witnesses, fees, etc.....('51:c.90,C-177)	435, 436
unlicensed persons not to engage	
in business('51:c.90,C-177)	434
vehicles purchased outside the territory,	
registration of('49:c.167,C-218)	
AUTOPSY	
coroner's inquests, performed when.....('49:c.355,D-260)	
AWARDS	
confirmation of('49:c.347,C-239)	
BAGGAGE	
licenses to carry for hire.....('51:cc.114,252,C-166,C-167)	418, 419
BAGASSE DUST	
county regulations, § 6233 (8).....('45:c.56,B-124)	
BAIL	
forfeited, circuit court, to Territory.....('45:c.111,D-180)	
unclaimed bail, disposition of.....('49:c.323,D-257)	
BAILIFFS	
first circuit('45:c.249,D-158)	
BAKERIES	
buns, flour, rolls, etc., enriched.....('45:c.101,A-45)	

CUMULATIVE INDEX

	PAGE
BALL AND MARBLE MACHINES	
permitting unaccompanied minors to play.....('45:c.36,C-139)	
BALLOTS	
See Elections	
BANK EXAMINER	
building and loan powers.....('47:c.181,C-184)	
fees for examinations.....('49:c.321,A-161)	
fees for examinations(Sp.'49:c.14,A-22)	
fiduciaries act('45:c.197,C-148)	
illegal acts, duty to report.....('51:c.99,A-127)	316
illegal or unsafe practices,	
penalty for violation.....('51:c.99,A-127)	315
industrial loan companies, suspension,	
etc. of license.....('51:c.87,C-214)	523, 524
legislative accounts('47:c.2,F-219)	
loans and mortgages insured under federal laws.(Sp.'49:c.17,C-33)	
loans and mortgages under National	
Housing Act('49:c.118,C-232)	
penalties for violations.....('51:c.99,A-127)	315, 316
records of companies, destruction of,	
regulation('51:c.103,A-128)	317, 318
redevelopment corporations,	
examinations of('49:c.379,B-175)	
unauthorized practices, penalties.....('51:c.99,A-127)	315, 316
BANKHEAD-JONES FARM TENANT ACT	
loans secured by mortgages under.....('49:c.340,C-233)	
BANKRUPTCY	
fiduciary powers, restrictions.....('45:c.197,C-148)	
registered land, notice of, effect.....('49:c.313,D-302)	
BANKS	
branches in Honolulu.....('47:c.4,C-133)	
checks, by or to fiduciary.....('45:c.197,C-148,ss.5,6)	
corporate by-laws('47:c.225,C-127)	
depository contracts with Territory, § 5854.....('45:c.119,A-115)	
deposits, fiduciary('45:c.197,C-148,ss.7-10)	
directors, waiver of residence, etc., when.....('45:c.143,C-144)	
facsimile copies of records.....('45:c.17,D-168)	
fiduciary powers, restrictions.....('45:c.197,C-148)	
fraudulently drawing on, evidence of intent..('51:c.303,D-231)	572
illegal acts, duty to report.....('51:c.99,A-127)	316
inheritance tax duties, § 5573.....('45:c.262,A-107)	
investments, guaranteed by administrator of	
veterans' affairs('45:c.223,C-147)	
investments in Hawaii housing	
authority bonds('51:c.134,A-66)	186, 187
investments in loans secured under	
Bankhead-Jones Farm Tenant Act.....('49:c.340,C-233)	
loans and mortgages insured under federal laws.(Sp.'49:c.17,C-33)	
loans and mortgages under National	
Housing Act('49:c.118,C-232)	
merger, national and territorial banks.....('51:c.198,C-186)	461-466
approved agreement, filing of.....('51:c.198,C-186)	464
book value of assets.....('51:c.198,C-186)	465, 466
certificate of merger as evidence.....('51:c.198,C-186)	464
conversion of national into	
territorial bank('51:c.198,C-186)	464
corporate entity, continuity of.....('51:c.198,C-186)	464, 465
definitions('51:c.198,C-186)	461
dissenting stockholders, rights of.....('51:c.198,C-186)	465
effective date of merger.....('51:c.198,C-186)	464

CUMULATIVE INDEX

	PAGE
BANKS—continued	
merger, national and territorial banks—continued	
name of new bank.....('51:c.198,C-186)	464, 465
non-conforming assets or business, disposition of.....('51:c.198,C-186)	465
procedure.....('51:c.198,C-186)	462, 463
resulting national bank.....('51:c.198,C-186)	461, 462
resulting territorial bank.....('51:c.198,C-186)	462, 463
stockholders' approval, territorial banks..('51:c.198,C-186)	463
merger of banks.....('51:c.198,C-186)	466
officers, etc., examination of when adverse party in civil action.....('45:c.183,D-167)	
records, destruction of, regulation.....('51:c.103,A-128)	317, 318
savings banks, savings departments	
investments authorized.....('51:c.86,C-185)	460, 461
stock transfer act.....('47:c.124,C-186)	
tax rate, § 5312.....('47:c.114,A-84)	
BARBERS	
regulation, license.....('47:c.194,A-44)	
See.....('45:c.140,A-42)	
tax clearance required for license.....('49:c.352,A-150)	
BASTARDY PROCEEDINGS	
arrest, hearing, trial, etc.....('45:c.177,D-195)	
See Paternity Proceedings and.....('47:c.57,D-176,p.393-96)	
BATTERY	
offense defined, penalty.....('49:c.325,D-261)	
See Crimes and Offenses	
BEACHES	
rights of way to.....('45:c.96,A-76)	
trails to, public.....('45:c.76,D-185)	
Waikiki, acquisition of.....('45:c.141,B-138)	
BEAUTICIANS	
barbering, regulation of.....('47:c.194,A-44)	
qualification for examination.....('47:c.238,A-45)	
regulation by board of health.....('45:c.140,A-42)	
schools registered, § 2053.....('47:c.238,A-45)	
tax clearance required for license.....('49:c.352,A-150)	
See Beauty Culture	
BEAUTY CULTURE	
application for examination.....('49:c.397,A-62)	
apprentices and students, registration, fee.....('49:c.397,A-62)	
beauty shops, registration, certificate fee.....('49:c.397,A-62)	
board	
appointment, qualifications, officers, meetings, reports, powers.....('49:c.397,A-62)	
assistants to.....('49:c.397,A-62)	
to aid in prosecutions.....('49:c.397,A-62)	
certificate of registration, duration, fee.....('49:c.397,A-62)	
revocation and suspension, refusal to grant.....('49:c.397,A-62)	
temporary certificates.....('49:c.397,A-62)	
definitions.....('49:c.397,A-62)	
examination.....('49:c.397,A-62)	
funds, deposit and expenditure of.....('49:c.397,A-62)	
hearings relating to certificates.....('49:c.397,A-62)	
subpoenas, power of board to issue.....('49:c.397,A-62)	
penalties.....('49:c.397,A-62)	
registration of operators, instructors, etc., required.....('49:c.397,A-62)	
requirements for examination and registration.....('49:c.397,A-62)	
rules and regulations.....('49:c.397,A-62)	
schools, registration, certificate, fee.....('49:c.397,A-62)	
BEGGING	
offense defined, penalty.....('49:c.100,D-278)	

CUMULATIVE INDEX

	PAGE
BETTERMENTS	
lien, land court, § 12641.....	('45:c.255,D-205,s.1)
BIDS	
public contracts	('51:cc.227,78,A-9,A-10)
public contracts	('47:c.18,A-13)
See	('45:c.147,A-9)
BIENNIAL BUDGET	
appropriations for 1951-1953.....	('51:c.318,F-274)
	662-673
BILL OF EXCEPTIONS	
bond, insufficient or failure to file, procedure....	(Sp.'49:c.41,D-35)
BILLIARDS AND BOWLING ALLEYS	
licenses, fees	('49:c.15,C-210)
BILLS AND NOTES	
fiduciaries, transfers by.....	('45:c.197,C-148)
BIRDS	
importation by park board.....	('45:c.237,B-137,s.5)
See Agriculture & Forestry, Game Birds	
open season	('47:c.29,A-30)
open season, definitions, penalty.....	('49:c.145,A-84)
permits, scientific, etc., purposes.....	('45:c.14,A-21)
BIRTH	
adopted children	('45:c.40,D-194)
See Vital Statistics	
certificates of	('47:c.54,A-59)
children, lost, abandoned.....	('45:c.64,A-57)
registration and certificates of.....	('49:c.327,A-92)
See Vital Statistics	
BIRTH CERTIFICATES	
Hawaiian birth	('51:c.132,E-247)
	596
BLIND, SIGHT CONSERVATION	
See Public Welfare, subhead, blind persons	
appropriation for vendors' stands.....	('51:c.207,F-286)
appropriations, 1951-1953	('51:c.318,F-274)
assistance at elections.....	('47:c.155,A-9)
bureau, creation, etc.	('45:c.113,A-81)
canes, public use.....	('47:c.35,A-73)
exempt, university tuition.....	('47:c.62,A-41)
guide dog, public carrier.....	('45:c.265,A-83)
See	('47:c.109,A-72,p.160)
payments inalienable, § 4879.....	('45:c.113,A-81)
penalties, § 4879	('45:c.113,A-81)
scope, §§ 4872-77	('45:c.113,A-81)
tax exemptions	('47:c.213,A-86)
transportation of guide	('47:c.109,A-72)
visually handicapped	('47:c.108,A-71)
vocational rehabilitation	('45:c.125,A-82)
workmen's compensation benefits.....	('51:c.259,A-103)
	254
BOARDING HOUSES	
See Fire Marshal, Health	
BOARDS AND COMMISSIONS	
adult education	('45:c.108,A-33)
advisory, vocational education.....	('45:c.219,A-33)
aeronautics commission	('49:c.360,A-141)
aeronautics, creation, etc.	('47:c.32,A-75)
archives, duties	('45:c.238,A-8)

CUMULATIVE INDEX

	PAGE
BOARDS AND COMMISSIONS—continued	
armory board	('51:c.37,E-250) 599, 600
barbering, license board.....	('47:c.194,A-44)
beauty culture	('49:c.397,A-62)
boxing commissioners, expenses.....	('45:c.202,C-143)
children and youth commission.....	('49:c.249,D-287)
civil defense advisory council.....	('51:c.268,E-253) 612
civil identification	('47:c.246,A-38)
civil service	('51:c.319,A-2) 5
See Civil Service	
classification study	('47:J.R.12)
criminal procedural rules committee.....	('49:c.380,D-244)
dental health advisory committee.....	('49:c.208,A-58)
election inspectors	('49:c.399,A-5)
clerks to assist board.....	('49:c.399,A-5)
employment relations	('45:c.250,A-68)
failure to testify before, termination	
of employment	('51:c.177,A-15) 70-72
farm advisory board, powers, duties, etc.	('49:c.235,A-31)
feed stuffs, regulation.....	('47:c.84,A-36)
Hawaii statehood commission.....	('51:c.160,E-255) 638
health, board of.....	('51:c.292,A-52) 156, 157
health, qualifications of members.....	('49:c.208,A-58)
historical sites commission	('51:c.36,E-248) 597, 598
hospital service study commission.....	('45:J.R.12)
hospitals, leper supplies.....	('47:c.18,A-13)
hospitals and settlement board, abolished.....	('49:c.109,A-73)
industrial accident	('49:c.115,A-126)
industrial research advisory council,	
powers, duties, etc.	('49:c.122,A-43)
jury commission	('49:c.75,D-253)
Kauai county waterworks board.....	('51:c.152,B-148) 363
loyalty board	('51:c.256,A-20) 85-97
See Loyalty Board	
market advisory committee.....	('45:c.252,A-29)
massage, loml-loml	('47:c.192,A-52)
Maul county parks board.....	('51:c.208,B-152) 397
motor vehicle dealers' and salesmen's	
licensing board	('51:c.90,C-177) 435
motor vehicles owned by, regulations, penalty.....	('49:c.389,A-14)
motor vehicles, taxation, etc., study of.....	('45:J.R.9)
nurses	('47:c.240,A-57)
See	('45:c.103,A-54)
nursing education and nursing	
services commission	('51:J.R.18) 739, 740
office hours	('49:c.232,A-16)
opticians, dispensing	('49:c.183,A-87)
Pacific war memorial commission.....	('49:c.288,E-309)
pension bonus, duties.....	('45:c.175,F-234)
police, Hawaii, Kauai, Maui.....	('47:c.212,B-106)
power to issue subpoenas, administer oaths,	
appoint masters, etc.	('49:c.329,A-17)
public welfare board.....	('49:c.346,A-137)
real estate license commission.....	('51:c.77,C-184) 456
retirement, pension, commission.....	('45:c.218,A-18)
rules and regulations, hearings on.....	('49:c.260,A-15)
rules and regulations, public hearings on....	('51:c.279,A-16) 72-74
soil conservation districts.....	('47:c.191,A-37)
statehood commission	('47:c.115,F-217)
strikes against government, prohibited.....	(Sp.'49:c.42,A-9)
subversive activities commission, creation,	
powers and duties	(Sp.'49:J.R.5)
See Subversive Activities Commission	
uniformity of legislation, promotion of.....	('49:c.326,A-2)
University, regents, § 1942.....	('45:c.135,A-40)
veterans' affairs council	('51:c.75,E-252) 603
veterinary examiners	('49:c.280,A-91)
weed control, herbicides, advisory committee.....	('49:c.357,A-45)

CUMULATIVE INDEX

	PAGE
BOATS	
harbors for fishing and pleasure boats.....('51:c.239,A-107)	260, 261
malicious conversion of, penalty.....('49:c.217,D-266)	
BOND ISSUES	
airport improvements(Sp.'49:c.18,E-47)	
airport improvements('49:c.368,F-333)	
airports, improvements to('49:c.331,E-323)	
allocation, § 5924('45:c.82,A-87)	
cancellation of redeemed bonds.....('45:c.8,E-220,s.3)	
county obligations to reimburse Territory for territorial term, refunding bonds ended.....('45:c.8,E-220,s.2)	
county, revenue, terminates 1949.....('47:c.10,B-99)	
county revenue, termination of power to issue.('51:c.7,B-130)	322
county revenue, termination of power to issue.....('49:c.4,B-170)	
destroyed, defaced, lost, §§ 5915-18.....('47:c.218,A-95)	
extension of time to issue, request for.....('51:J.R.9)	729
extension of time to issue, request for.....('49:J.R.6)	
harbor board obligation, effect of canceling Kahului R.R. lease('45:c.120,E-221)	
harbors; Honolulu('47:c.95,F-211)	
Hawaii County:	
board of water supply('49:c.28,E-317)	
board of water supply, authority to issue.....('49:c.36,B-135)	
improvements by assessments('49:c.356,B-187)	
Hawaii housing authority.....('49:c.338,A-98)	
highway purposes('45:c.82,A-87)	
Honolulu:	
bond loan fund created.....('51:c.205,B-160)	411
flood control('51:c.204,E-262)	647
flood control, request for authority.....('51:J.R.23)	745
flood control projects.....('49:c.273,B-197)	
improvement district proceedings.....('49:J.R.30)	
Kalihi tunnel, approval requested.....('51:J.R.15)	736, 737
Kapiolani park('49:c.235,E-320)	
off-street parking facilities, authorized.....('49:c.153,B-169)	
parks, approval requested.....('49:J.R.23)	
parks and playgrounds.....('51:c.255,E-264)	649-651
parks and playgrounds, request for.....('51:J.R.36)	757-759
public school purposes.....('51:c.238,E-265)	651-653
sewerage system, approval requested('49:J.R.26)	
sewerage systems('49:c.270,E-319)	
street improvements('49:c.375,E-321)	
Kalihi tunnel('51:c.265,E-263)	648, 649
bond issue, request for approval.....('51:J.R.15)	736, 737
Kapaa gymnasium('47:c.41,E-195)	
Kauai County:	
improvements by assessments.....('51:c.290,B-150)	375-395
public improvements('51:c.182,E-266)	653
public improvements('49:c.382,E-323)	
waterworks board('51:c.152,B-148)	368, 369
Kauai War Memorial.....('47:c.42,E-194)	
Kaunakakai Improvements('47:c.43,E-196)	
Kawaihae terminal.....(Sp.'49:c.55,E-49)	
limit, raising of.....('47:J.R.1)	
loan fund act of 1951.....('51:c.321,E-263)	654-659
loan fund act of 1949, amendments	
.....('51:cc.14,100,234,E-269,E-270,E-271)	659, 660
loan fund act of 1949, amended.....(Sp.'49:c.61,E-46)	
loan fund act of 1949.....('49:c.400,E-325)	
loan fund 1947.....('47:c.205,F-209)	
loan fund 1947	
amendment of 1949.....('49:c.30,E-318)	
loan fund, highways, Hawaii.....('47:c.73,F-210)	
MauI County:	
improvements by assessments.....('49:c.271,B-193)	
public improvements('49:c.400,E-324)	
public improvements, request for authorization('51:J.R.20)	741, 742

CUMULATIVE INDEX

	PAGE
BOND ISSUES—continued	
Maul County—continued	
school purposes	('51:c.59,E-267) 654
waterworks board	('49:c.289,B-194)
municipal, request for legislature to fix time limit.....	('51:J.R.33) 755, 756
parks, Honolulu	('47:c.66,F-212)
Port Allen improvements.....	('47:c.48,E-196)
redevelopment of urban areas, issuance for.....	('49:c.379,B-175)
See Urban Redevelopment Act	
refunding	('47:c.218,A-95)
revenue, territorial	('47:c.74,A-97)
§§ 5931-49	
sewers, Honolulu	('47:c.68,F-213)
also	('47:c.69,F-214)
also	('47:J.R.19)
sinking fund, use of.....	('51:c.189,E-272) 660, 661
sinking fund, use, etc.....	('45:c.8,E-230)
territorial, general, refunding, §§ 5901-5914.....	('47:c.218,A-95)
territorial hospital, water.....	('47:c.48,E-196)
university projects	('47:c.141,A-42)
Waimea, Hawaii, irrigation and water utilization	('51:c.240,E-261) 646
BONDS	
agents to sell licenses, hunting, (fishing).....	('49:c.82,A-28)
appeal, new trial, exceptions, etc., insufficient or failure to file, procedure.....	(Sp.'49:c.41,D-35)
attachment, § 10144	('47:c.190,D-161)
automobile dealers, suits on.....	('49:c.171,C-223)
destruction of	('47:c.147,A-39)
emigrant agents	('51:c.106,A-77) 202
execution, for expenses.....	('45:c.132,D-178)
farm produce commission merchants.....	('51:c.74,A-36) 119, 120
financing, transfers for.....	('47:c.167,A-93)
foreign corporations	('51:c.294,C-201) 477-480
general for trust company, repealed.....	('47:c.128,C-149)
guardian of veteran.....	('47:c.202,D-186,s.9)
harbor board revenues.....	('47:c.72,A-78,s.1)
harbor improvements	('47:c.72,A-78,s.3)
Hawaii housing, § 3524.....	('45:c.200,A-58)
motor vehicle dealers and salesmen.....	('51:c.90,C-177) 439, 440
motor vehicle registration, to protect treasurer....	('49:c.162,C-215)
performance repair federal-aid highways.....	('45:c.173,A-88,s.6)
public officers and employees.....	('51:c.264,A-129) 319
public officers, premiums.....	('47:c.198,A-15)
conditions	('45:c.205,A-13)
special proceedings for immediate possession of personal property	(Sp.'49:c.7,D-41)
support, enforcement of.....	('51:c.216,D-238) 585
university projects	('47:c.141,A-42)
See topic Bond Issues	
BONUS	
See Appropriations	
county officers	('47:c.209,B-107,s.5)
county police	('47:c.212,B-106,s.3)
disabled veterans	(Sp.'49:c.51,E-52)
disabled veterans	('49:c.12,F-334)
government employees	('51:c.322,F-278) 676, 677
government employees	('49:c.367,F-333)
governor's discretion	('47:c.208,A-4,s.3)
Honolulu officers	('47:c.210,B-119)
pensioners	('51:c.247,F-279) 677, 678
pensioners	(Sp.'49:c.32,E-50)
pensioners	('49:c.376,E-330)
pensioners	('47:c.34,E-198)
also see	('45:c.175,F-234)
veterans	('47:c.214,E-190,s.4)

CUMULATIVE INDEX

	PAGE
BOVINE TUBERCULOSIS	
regulations amended	('45:c.104,A-22)
BOWLING ALLEYS AND BILLIARDS	
license, fee	('49:c.15,C-210)
BOXING	
amateur contestants may receive medals and trophies only	('49:c.264,C-225)
army, air force, navy, national guard, excepted	('49:c.264,C-225)
bribery of participants	('47:c.186,D-167)
commission	
established	('51:c.307,C-182) 453
jurisdiction	('51:c.307,C-182) 454
secretary	('51:c.307,C-182) 453
subpoenas, power to issue	('51:c.307,C-182) 453
tenure	('51:c.307,C-182) 453
commission, jurisdiction, rules and regulations	('49:c.264,C-225)
commissioners, expenses of	('45:c.202,C-143)
contestants	
wages, restrictions on payment	('51:c.307,C-182) 455
definitions	('49:c.264,C-225)
deputy commissioners, appointment, powers and duties	('49:c.264,C-225)
fees	('51:c.307,C-182) 454
judges, duties of	('49:c.264,C-225)
licenses	
application, fees	('51:c.307,C-182) 454
fees for	('49:c.264,C-225)
participants in boxing contests	('49:c.264,C-225)
promoters, fee, bond	('49:c.264,C-225)
required of all participants, limitations, renewals	('49:c.264,C-225)
referees, duties of	('49:c.264,C-225)
rounds, number of	('49:c.264,C-225)
scalpers' sales of tickets	('45:c.39,D-188)
secretary-administrator, powers and duties	('49:c.264,C-225)
sham boxing contest, penalty	('49:c.264,C-225)
BRANDS	
unbranded animals, owners of	('51:c.32,A-30) 109
BREAD	
enrichment of flour	('45:c.101,A-45)
BRIBERY	
forfeitures	('47:c.188,D-166)
participants in sports	('47:c.186,D-167)
BRIDGES	
Ala Wai, Honolulu	('47:c.48,E-196)
counties to maintain when constructed in subdivision	('49:c.74,B-171)
Hawaii belt road	('45:c.23,F-243)
Nuuli gulch	('45:c.31,A-100)
Kapaa canal, Kauai	('45:c.277,F-242)
Kapala, Kauai	('45:c.277,F-242)
Maul	('45:c.230,F-273)
BUDGET BUREAU	
annual appropriation, special provisions	('51:c.318,F-274) 672, 673
appropriation, 1951-1953	('51:c.318,F-274) 662
appropriations for county aid continuing	('45:c.277,F-242,s.6)
bonus for government employees	('49:c.367,F-333)
cash in lieu of vacation or leave, payment of	('51:c.262,A-19) 80

CUMULATIVE INDEX

BUDGET BUREAU—continued

PAGE

cemetery employees not under civil service classification, retirement or bonus.....('45:c.128,F-236)	
claims for legislative relief, procedure for presenting('49:c.324,A-49)	
contributions to retirement system, determination of('51:c.245,A-29)	107, 108
county liabilities in excess of available funds, approval of('49:c.324,A-159)	
Hawaii Housing funds.....('47:c.232,F-238)	
Honolulu, Waikiki beach costs.....('45:c.141,B-133)	
insurance management, public property, etc..('51:c.264,A-129)	318-320
serial bonds, redemption.....('45:c.8,B-220,ss.6,7)	
soil conservation('47:c.191,A-37,s.10)	
surplus property, duties of director relating to('51:c.289,A-14)	68, 69
surplus property purchase fund.....('45:c.207,F-248)	

BUILDING AND LOAN

cash reserves('51:c.89,C-190)	469
definitions('51:c.293,C-187)	466, 467
definitions of "member" and "home".....('49:c.67,C-229)	
dividends	
dates, provisions affecting.....('51:c.293,C-187)	467
fiduciaries act('45:c.197,C-148)	
foreign building and loan associations	
funds of('51:c.269,C-194)	472
funds, territorial business, § 8227.....('47:c.181,C-134)	
illegal acts, duty to report.....('51:c.99,A-127)	316
investments guaranteed by administrator of veterans affairs('45:c.223,C-147)	
investments in loans secured under Bankhead-Jones Farm Tenant Act.....('49:c.340,C-233)	
leased property, loans on homes on.....('49:c.67,C-229)	
loans, homes, leased property.....('45:c.98,C-145)	
loans, restrictions, § 8228.....('47:c.181,C-134)	
loans, surplus, § 8225.....('47:c.181,C-134)	
loans and investments	
real estate loans.....('51:c.83,C-192)	470, 471
restrictions on('51:cc.89,81,C-190,C-195)	469, 473
surplus funds, investment of.....('51:c.84,C-193)	471, 472
loans and mortgages insured under federal laws..(Sp.'49:c.17,C-33)	
loans and mortgages under National Housing Act..('49:c.118,C-232)	
notary public with association, authority....('51:c.82,C-188)	467, 468
real estate loans.....('51:c.83,C-192)	470, 471
stock, restrictions, § 8212.....('47:c.181,C-134)	
stock, shares	
capital('51:c.98,C-189)	468
restrictions('51:c.293,C-187)	467
surplus funds, loans of.....('51:c.84,C-193)	471, 472
withdrawals('51:c.85,C-191)	470

BUILDINGS

airport zoning permits.....('45:c.182,A-85,s.7)	
bagasse dust, smoke, § 6232 (8).....('45:c.56,B-124)	
fire insurance, §8463('47:c.90,C-142)	
fire marshal's approval required when.....('45:c.166,C-150)	
hazard, airport, markings.....('45:c.182,A-85,s.7)	
regulation, zoning, Hawaii.....('47:c.76,B-109)	
See also('47:c.77,B-108)	
splitting prohibited, where.....('45:c.66,A-48)	
tax exemption of property made useless by ordinance restrictions('45:c.88,A-97)	
tax valuation, § 5146.....('45:c.79,A-91,s.9)	
territorial, insurance fund.....('45:c.89,A-116)	

CUMULATIVE INDEX

	PAGE
BUREAU OF CIVIL IDENTIFICATION	
creation, duties, powers.....	('47:c.246,A-38)
identification certificates, § 1540.09-.11.....	('47:c.246,A-38)
records confidential, § 1540.14.....	('47:c.246,A-38)
BUREAU OF CONVEYANCES	
See Registration of Conveyances	
fees, recording, § 12728.....	('47:c.157,D-187)
BUREAU OF CRIME STATISTICS	
creation, duties, powers.....	('47:c.246,A-38)
identification of prisoners, § 1541.....	('47:c.246,A-38)
BURIAL	
indigent dead, welfare department.....	('45:c.161,A-80)
also	('47:c.22,A-70)
insurance, study of.....	('45:J.R.12)
Palolo exhumations	('47:c.248,F-231)
permits for	('49:c.227,A-92)
veterans	('45:c.198,E-210)
veterans' cemeteries	('47:c.214,E-190)
BUSINESS RECORDS	
photographic reproductions as evidence.....	('51:c.104,D-227) 567
BUSSES	
See Motor Vehicles	
operators, restrictions	('45:c.110,C-142)
CANCER	
bureau of cancer control, board of health.....	('49:c.79,A-61)
chief of bureau, appointment, qualifications.....	('49:c.79,A-61)
educational program	('49:c.79,A-61)
laboratory services	('49:c.79,A-61)
statistical activities and records.....	('49:c.79,A-61)
tumor clinics	('49:c.79,A-61)
CANES	
painted, for use of blind.....	('47:c.35,A-73)
CASUALTY INSURANCE	
rates controlled	('47:c.60,C-145)
CATCH REPORTS, FISHING	
commercial fishermen, duty to make.....	('45:c.23,A-27)
CATTLE	
bovine tuberculine tests.....	('45:c.104,A-22)
landing of diseased.....	('47:c.177,A-28)
trespass, pound fees.....	('47:c.15,A-29)
continuing prohibited	('45:c.266,A-23)
unbranded, owners of.....	('51:c.32,A-30) 109
CEMENT INDUSTRY	
exemption from taxes.....	('45:c.243,A-92)
CEMETERIES	
corporations, etc., exemption from general excise tax	
§ 5459 (m)	('45:c.158,A-105)
employees not under civil service, classification retirement,	
or bonus	('45:c.128,F-236)
exemption, income tax, § 5502.....	('45:c.124,A-106)
maintenance, certain in Honolulu.....	('45:c.128,F-236)
national memorial, improvement of area	
contiguous to	('49:J.R.28)
Palolo exhumations	('47:c.248,F-231)

CUMULATIVE INDEX

CEMETERIES—continued

rehabilitation of certain.....('45:c.128,F-236;c.129,F-237)
veterans'('47:c.214,E-190)
veterans, appropriation for.....('51:c.179,F-290)
veterans, request for funds.....('49:J.R.14)

PAGE

686

CHAUFFEURS

licensing of(Sp.'49:c.85,C-31)
See Motor Vehicles

CHECKS

transfer by fiduciary.....('45:c.197,C-148)

CHIEF JUSTICE

appointment of temporary district magistrate....('49:c.228,D-247)
assignment of circuit judges to other circuits....('49:c.37,D-245)

CHIEF OF POLICE

See Police

CHILD LABOR

employment certificates, age, etc.('47:c.49,A-61)
labor department records may be destroyed
when('49:c.104,A-108)
regulation of('51:c.19,A-75)
regulation of('45:c.9,A-66)

197, 198

CHILDREN

abandoned, lost, birth record.....('45:c.64,A-57)
adoption, decree, etc.('47:c.47,D-175)
consent, when required.....('49:cc.42,330,D-283,284)
decree, recording of('49:c.328,D-285)
record('45:c.40,D-194,s.2)
secrecy of record.....('45:c.40,D-194,s.2)
age limit, dependent or delinquent children.....('49:c.96,D-288)
apprenticeship('45:c.22,A-67)

See that topic

audit, court accounts.....('47:c.160,D-172)
barber apprentice('47:c.194,A-44)
beautician apprentice('47:c.238,A-45)
birth certificates('47:c.54,A-59)
births, registration and certificates of.....('49:c.327,A-92)

See Vital Statistics

chauffeur's license, 15-17.('47:c.38,C-131)
children and youth commission.....('49:c.294,D-287)
claims vs. pupils, industrial school.....('45:c.137,A-60)
contributing to cause dependency.....('45:c.187,D-193)
criminal prosecution, consent of judge,
juvenile court('47:c.56,D-177)
curfew law('49:c.279,D-286)
delinquency, contributing to.....('45:c.187,D-193)
delinquent, examination('47:c.56,D-177)
care, custody, expenses.....('45:c.4,D-196)
dental hygiene in schools.....('45:c.231,A-32)
dependent and delinquent children

See Dependent or Delinquent Children; Juvenile Court

desertion and non-support of.....('51:c.257,D-237)
desertion and non-support of.....('49:c.383,D-282)
divorce, no guardian.....('47:c.78,D-184)
emigrant agents, recruiting by, restrictions..('51:c.108,A-77)
expense, inmate, Waimano Home.....('45:c.193,A-65)
Hansen's diseased parents, care of.....('51:c.24,A-95)
illegitimates, arrest of alleged father, examination,
hearing bond, trial, etc.('45:c.177,D-195)
industrial school pupils, inactive accounts.....('45:c.65,A-59)
juvenile court age limit.....('47:c.56,D-177)
juvenile court procedure generally.....('49:cc.46,230,D-290,291)
labor by('51:c.19,A-75)

581, 582

203

245

197, 198

783

CUMULATIVE INDEX

CHILDREN—continued

PAGE

labor by, certificates, etc.	('47:c.49,A-61)	
§ 4122, repealed	('45:c.9,A-66,s.2)	
legitimation of, new birth certificate to be issued.	('49:c.327,A-92)	
marriage, consent of judge when.....	('47:c.43,D-180)	
mental hygiene, clinic.....	('47:c.55,A-54)	
minor veterans, readjustment act, rights to loan.....	('47:c.9,D-174)	
narcotics, sale to, penalty.....	('51:c.145,D-230)	571
nurse, practical	('47:c.240,A-57)	
nursery plans, approval of fire marshal.....	('45:c.166,C-150)	
paternity proceedings	('47:c.57,D-176)	
permitting to play ball, marble, dart games where fee is charged.....	('45:c.36,C-139)	
pre-school age	('47:c.224,A-40)	
school attendance, truancy.....	('45:c.156,A-86)	
support, enforcement of.....	('51:c.216,D-238)	582-586
See Desertion and Non-Support		
vaccination, immunization of.....	('45:c.171,A-49)	
vaccination of	('51:c.181,A-55)	159
veteran, guardianship	('47:c.202,D-186)	
veteran's estate, support.....	('47:c.202,D-186,s.14)	
wage regulation	('45:c.15,A-71)	

CHILDREN AND YOUTH COMMISSION

commission, appointment, tenure.....	('49:c.294,D-287)
county committees, appointment and duties.....	('49:c.294,D-287)
duties of commission, reports.....	('49:c.294,D-287)
executive secretary, duties, etc., assistants.....	('49:c.294,D-287)

CHIROPRACTIC

examiners, board of.....	('49:c.57,A-64)
license to practice, requirements.....	('49:c.57,A-64)
refusal, revocation, reissuance.....	('49:c.151,A-65)
penalties, s. 2083.....	('47:c.94,A-46)
proceedings for revocation or suspension of license	('49:c.151,A-65)

CHURCHES

plans, approval of fire marshal.....	('45:c.166,C-150)
--------------------------------------	-------------------

CIRCUIT COURTS

See Courts, Judges

adjournment of, § 9644.....	('47:c.220,D-154)	
adoption records secret.....	('45:c.40,D-194)	
appeals from judges.....	('45:c.194,D-153)	
audit of accounts.....	('47:c.160,D-172)	
bonds of employees.....	('47:c.198,A-15)	
bribery forfeitures	('47:c.188,D-166)	
cost of certification	('45:c.248,A-11)	
See	('45:c.248,A-11)	
domestic relations, juvenile judge.....	('45:c.142,D-154)	
eminent domain proceedings, public property.....	('49:c.377,A-9)	
enforcement of board or commission subpoena.....	('49:c.329,A-17)	
felons fines	('45:c.67,D-179)	
sentence	('47:c.199,D-164)	
fines, costs, forfeited bail, circuit court, to be paid to territory.....	('45:c.111,D-180)	
foreign language schools, enforcement of law by injunction.....	('49:c.72,A-55)	
insurance business trade practices, appeals..	('51:c.298,C-207)	509, 510
judges, salary, special.....	('45:c.261,E-216)	
juvenile judge, first circuit.....	('45:c.142,D-154)	
moneys due unbound heir.....	('47:c.99,D-171)	
redevelopment agency, appointment of member to	('49:c.379,B-175)	
rent control appeals.....	('45:c.178,D-155)	
terms, cases triable, § 9640.....	('47:c.134,D-153)	
tubercular persons, compulsory isolation, hospitalization of	('49:c.307,A-71)	

CUMULATIVE INDEX

	PAGE
CITIZENS	
director, crime statistics.....('47:c.246,A-38)	
employment on public works, exceptions.....('51:c.44,A-11)	65
government employee requirements.....('49:c.190,A-10)	
identification, registration.....('47:c.246,A-38)	
militia, member of.....('47:c.123,E-189)	
naturalization petition, war personnel.....('47:J.R.5)	
parents of veterans.....('45:J.R.3)	
non-citizen fisherman.....('45:c.127,A-26)	
non-citizen released prisoners.....('47:c.184,F-220)	
public employees must be, exceptions.....('51:c.319,A-2)	26
CITY PLANNING COMMISSION	
subdivisions, regulation of.....('49:c.222,B-204)	
See Subdivisions	
CIVIL AIR PATROL	
appropriation, expenditures, regulation	
generally.....('51:J.R.80)	751-753
CIVIL DEFENSE	
advisory council, appointment, tenure,	
expenses.....('51:c.268,E-253)	612
air raid drills.....('51:c.268,E-253)	614
allotment of funds.....('51:c.268,E-253)	622-623
appraisers, appointment of.....('51:c.268,E-253)	629, 630
appropriation.....('51:c.268,E-253)	636
blood typing.....('51:c.268,E-253)	613
civil defense agency created.....('51:c.268,E-253)	611, 612
claims against government.....('51:c.268,E-253)	626, 627, 628-630
construction of law.....('51:c.268,E-253)	608
county organizations, powers and authority..('51:c.268,E-253)	623-625
damages, claims for, procedure.....('51:c.268,E-253)	628-630
daylight saving time.....('51:c.268,E-253)	616
definitions.....('51:c.268,E-253)	609-611
delegation of powers by governor.....('51:c.268,E-253)	612, 613
deputy directors, appointment.....('51:c.268,E-253)	611, 612
director, appointment.....('51:c.268,E-253)	611, 612
disaster relief council, continuation of.....('51:c.268,E-253)	636
election hours.....('51:c.268,E-253)	617
emergency functions and powers	
of governor.....('51:c.268,E-253)	616-622
emergency period defined.....('51:c.268,E-253)	614, 615
employees, volunteers, status of.....('51:c.268,E-253)	626
expiration date.....('51:c.268,E-253)	635
explosives, control of.....('51:c.268,E-253)	614
federal programs.....('51:c.268,E-253)	617
federal programs, furtherance of.....('51:c.268,E-253)	617-619
forfeiture of property unlawfully possessed..('51:c.268,E-253)	632
government employees, regular, status of...('51:c.268,E-253)	625, 626
governor, powers generally.....('51:c.268,E-253)	612-614
additional powers during emergency	
period.....('51:c.268,E-253)	615, 616
delegation of powers.....('51:c.268,E-253)	612, 613
emergency functions and powers.....('51:c.268,E-253)	616-622
hoarding, prevention of.....('51:c.268,E-253)	616
hours of business.....('51:c.268,E-253)	616
immunity of government, exceptions.....('51:c.268,E-253)	626, 627
injunctions, restrictions on granting of....('51:c.268,E-253)	632-634

CUMULATIVE INDEX

	PAGE
CIVIL DEFENSE—continued	
injunctions, to restrain violations of law.... ('51:c.268,E-253)	634
insignia	613
investigations and surveys, power to make.. ('51:c.268,E-253)	630
laws, other, suspension of..... ('51:c.268,E-253)	635
legislative declaration	607, 608
lend-lease agreements	618
local organizations for civil defense..... ('51:c.268,E-253)	623-625
mobile support units..... ('51:c.268,E-253)	625
oath required of personnel..... ('51:c.268,E-253)	627, 628
orders, power to make..... ('51:c.268,E-253)	631, 632
penalties for violations..... ('51:c.268,E-253)	634, 635
personnel	
powers as law enforcement officers..... ('51:c.268,E-253)	634
plans and programs..... ('51:c.268,E-253)	613
political activity prohibited..... ('51:c.268,E-253)	627
proclamation of emergency period..... ('51:c.268,E-253)	614, 615
proclamations, how made..... ('51:c.268,E-253)	630, 631
purposes and policy of law..... ('51:c.268,E-253)	607, 608
requisitions, power to make..... ('51:c.268,E-253)	623-630
rules and regulations..... ('51:c.268,E-253)	631, 632
saving clause	636
service of process..... ('51:c.268,E-253)	630, 631
title of law..... ('51:c.268,E-253)	607
witnesses, compelled to testify in	
investigations	630
workmen's compensation law,	
application of	626
CIVIL PROCEDURE	
See Courts, Juvenile Courts, etc.	
accounts receivable, assignment and notice... ('51:c.45,C-210)	516-521
adverse party, examination of..... ('45:c.183,D-167)	
appeals, frivolous in summary possession..... ('45:c.192,D-176)	
appeals from Judges at chambers..... ('45:c.194,D-153)	
See Appeals	
assignment of judges to other circuits..... ('49:c.37,D-245)	
associations, suits by and against,	
service of process	(Sp.'49:c.4,D-38)
judgment, enforcement of	(Sp.'49:c.4,D-38)
attachment bond, § 10144..... ('47:c.190,D-161)	
bond on appeal, new trial, exceptions,	
writ of error	
insufficient, or failure to file, procedure..... (Sp.'49:c.41,D-35)	
bribery forfeitures	('47:c.188,D-166)
certification of copies, fees..... ('45:c.248,A-11)	
claim and demand, personal property, procedure.. (Sp.'49:c.6,D-40)	
See Claim and Demand	
costs, circuit court certification..... ('45:c.94,D-161)	
See	('45:c.248,A-11)
declaratory judgment when..... ('45:c.74,D-172)	
depositions, to be used in foreign	
jurisdiction	('51:c.199,D-228)
divorce of minors..... ('47:c.78,D-184)	565, 566
ejectment, jurisdiction of district courts..... ('49:c.815,D-248)	
eminent domain proceedings..... ('51:c.12,A-8)	52-61
See Eminent Domain	
eminent domain, public property..... ('49:c.377,A-9)	
escheat of unclaimed dividends..... ('47:c.127,D-162)	
execution, bond for expenses..... ('45:c.132,D-173)	
fees, accounting for..... ('45:c.57,D-159)	
husband a necessary party in actions	
affecting community property..... ('45:c.273,D-201,s.12)	
injunction, enforcement foreign language	
school law	('49:c.72,A-55)

CUMULATIVE INDEX

PAGE

CIVIL PROCEDURE—continued

injunction, intervention, to enforce	
defense act	('45:c.275,E-212,s.1)
joinder, in summary possession	('45:c.216,D-175)
judgments, filing fees	('47:c.158,D-160)
jury fees, § 9797	('45:c.62,D-163)
certificate, § 9798	('45:c.62,D-168)
labor organizations, suits by and against,	
service of process	(Sp.'49:c.4,D-38)
judgment, enforcement of	(Sp.'49:c.4,D-38)
landlord and tenant: (See that topic)	
rent paid during litigation	('45:c.251,D-174)
limitation 1 year for recovery of penalty, etc.,	
allowed by federal statute	('45:c.174,D-177)
See Limitations	
missing persons act	('45:c.148,D-171)
motor vehicle registration, appeals,	
procedure	('51:c.237,C-176) 431, 432
non-resident associations, service of	
process on	(Sp.'49:c.4,D-38)
ordinances, judicial notice	('45:c.195,D-169)
parties, drainage district	('47:c.191,A-37)
paternity cases, expenses	('47:c.57,D-176)
personal actions, limitation to sue	('45:c.210,D-178)
death no interruption	('45:c.210,D-178)
probate; partnership continuance	('45:c.215,D-187)
sale of real estate	('45:c.122,D-188)
small estates	('45:c.206,D-189)
process, service, Honolulu	('47:c.139,B-129)
quieting titles, action at law for	(Sp.'49:c.46,D-89)
rent control, appeals	('45:c.178,D-165)
commercial	('45:c.69,E-215,s.11)
rights accrued prior to R. L. 1946, preserved	('45:c.1,A-1)
service, eminent domain, § 319	('47:c.200,A-12)
special proceedings for immediate possession	
of personal property	(Sp.'49:c.7,D-41)
See Special Proceedings	
summary possession restricted under commercial	
rent control	('45:c.69,E-215)
summary proceedings by landlord, notice to	
vacate	('49:c.39,D-256)
support, enforcement of, uniform law	('51:c.216,D-238) 582-586
tax collections from other states	('49:c.311,A-148)
terms of court, § 9840	('47:c.184,D-163)
veteran's guardianship	('47:c.202,D-186)
warehouse receipts, uniform act	('51:c.39,C-218) 539-554
See Warehouse Receipts	
witness fees § 9827	('45:c.38,D-166)

CIVIL SERVICE

agreements between territorial and	
county departments	('51:c.319,A-2) 3
appeals	('51:c.319,A-2) 6
appeals from director	('51:c.319,A-2) 17
appeals from suspension, dismissal, etc.	('51:c.319,A-2) 16, 17
appropriations, 1951-1953	('51:c.318,F-274) 663
blind, division of, bureau	('45:c.113,A-81,s.8)
cemetery employees not under	('45:c.128,F-236)
circuit court personnel	('45:c.35,D-162)
civilian employees of armed service returning	
to government office	('45:c.114,A-15)
commission	
appointment of, qualifications, tenure, etc.	('51:c.319,A-2) 5, 6
chairman, selection of	('51:c.319,A-2) 5
organization, compensation and meetings ..	('51:c.319,A-2) 5, 6
powers and duties of	('51:c.319,A-2) 6
report to governor	('51:c.319,A-2) 6
subpoenas and oaths	('51:c.319,A-2) 17, 18
compensatory time off for overtime work	(Sp.'49:c.36,A-6)

CUMULATIVE INDEX

	PAGE
CIVIL SERVICE—continued	
competitive examinations	10
construction uniform	(‘47:c.110,A-2)
county police, see.....	(‘47:c.212,B-106)
criminal or disgraceful conduct, effect of.....	12
definitions	3-5
department of civil service created.....	5
director, bureau of blind, § 4871.....	(‘45:c.113,A-81)
dismissals, demotions, suspensions.....	16, 17
emergency appointments	13
employee organizations	22-24
employees, rights of.....	(‘47:c.119,A-3)
employees juvenile court, 1st circuit.....	(‘45:c.142,D-154,s.10)
employment relations employees.....	(‘45:c.250,A-68,s.4)
exchange and transfer of employees.....	14, 15
exemptions from classified service.....	8-10
government employees' associations, designations of	(Sp.‘49:c.5,A-2)
grievances and proposals, how made.....	22-24
harbor director exempt	(‘47:c.228,A-77)
Hawaii county	
application of civil service law.....	21
classified service and exemptions.....	20, 21
department of civil service.....	20
Honolulu	
application of civil service law.....	20
civil service department.....	19
classified service and exemptions.....	19, 20
identification, crime statistics.....	(‘47:c.246,A-38,s.4)
initial probation period.....	12
interpretation to be uniform.....	3
Kauai county	
application of civil service law.....	21
classified service and exemptions.....	20, 21
department of civil service.....	20
leave, cash in lieu of.....	(‘45:c.176,A-16)
leaves of absence.....	13, 14
legislature, petitions to.....	23
loyalty board	85-97
See Loyalty Board	
loyalty oath, applications.....	(‘47:c.117,A-18)
administrators of	(‘45:c.131,A-17)
marriage license agents.....	(‘47:c.21,D-181)
maternity leave	(‘51:c.319,A-2)
Maui county	
application of civil service law.....	21
classified service and exemptions.....	20, 21
department of civil service.....	20
membership of classified services.....	19
military absence, termination of rights.....	(‘47:c.118,A-17)
national guard ratings.....	(‘47:c.123,B-189)
non-competitive examinations	11
notice of examinations	11
open-competitive examinations	11
park superintendent, Honolulu, not subject to § 8770	(‘45:c.237,B-137,s.6)
penalties	(‘51:c.319,A-2)
pension commission employees not subject to...	(‘45:c.218,A-18,s.3)
personnel director, appointment of.....	(‘51:c.319,A-2)
assistants and employees, appointment of...	(‘51:c.319,A-2)
deputy, designation of	(‘51:c.319,A-2)
powers and duties of.....	(‘51:c.319,A-2)

CUMULATIVE INDEX

	PAGE
CIVIL SERVICE—continued	
policies and standards.....('51:c.319,A-2)	10-16
political activities prohibited.....('51:c.319,A-2)	6, 12, 21, 22
positions covered and exemptions.....('51:c.319,A-2)	8-10
promotional examinations.....('51:c.319,A-2)	10, 11
provisional appointments.....('51:c.319,A-2)	13
provisional appointments.....(Sp.'49:c.45,A-1)	
purpose of law.....('51:c.319,A-2)	2, 3
re-employment after military service.....('49:c.298,A-19)	
war defined.....('49:c.370,A-20)	
re-employment lists.....('51:c.319,A-2)	13
re-employment upon termination of	
military service.....('51:c.262,A-19)	77, 78
reinstatement.....('51:c.319,A-2)	17
removal of employees for failure to testify....('51:c.177,A-15)	70-72
reports, refusal or failure to make.....('51:c.319,A-2)	18
resignations.....('51:c.319,A-2)	12
retirement system, notices to employees.....('45:c.73,A-19)	
rule of five.....('51:c.319,A-2)	11, 12
rules and regulations.....('51:c.319,A-2)	10-16
rules for benefit of returning servicemen....('51:c.262,A-19)	83, 84
rules re new appointments and transfers.....('49:c.298,A-19)	
sabbatical leaves of absence.....('51:c.319,A-2)	15
salaries or wages, none to be paid to	
persons illegally employed.....('51:c.319,A-2)	18
salary standardization law.....('51:c.320,A-3)	28-47
See Salary Standardization Law	
secretary of Hawaii, duties re organizations...('51:c.319,A-2)	23, 24
service to counties.....('51:c.319,A-2)	8
sick leave.....('51:c.121,A-18)	76
suspensions, demotions, dismissals.....('51:c.319,A-2)	16, 17
tax assessors, see § 5104 (1).....('45:c.79,A-91,s.2)	
temporary employees, certain, status of.....('51:c.262,A-19)	78
uniform administration.....('51:c.319,A-2)	3
uniform interpretation of law.....('51:c.319,A-2)	3
university projects, exemption.....('47:c.141,A-42)	
vacancies and new positions, how filled.....('51:c.319,A-2)	11, 12
vacation, cash in lieu of, allowed when.....('51:c.262,A-19)	78, 79
vacations of government employees.....('51:c.326,A-17)	74, 75
veterans, preference given.....('51:c.319,A-2)	24, 25
veterans' affairs council, exemption.....('51:c.75,E-252)	604
violations, penalty.....('51:c.319,A-2)	21, 22
Waimano patients.....('47:c.183,A-60)	
CLAIM AND DEMAND	
affidavit of plaintiff, requisites.....(Sp.'49:c.6,D-40)	
bond	
for delivery to defendant.....(Sp.'49:c.6,D-40)	
plaintiff's, amount.....(Sp.'49:c.6,D-40)	
costs, awarded when.....(Sp.'49:c.6,D-40)	
delivery of personal property, when it may	
be claimed.....(Sp.'49:c.6,D-40)	
seizure of property.....(Sp.'49:c.6,D-40)	
service of affidavit, bond and notice.....(Sp.'49:c.6,D-40)	
Sunday, service of process on.....(Sp.'49:c.6,D-40)	
sureties	
justification of.....(Sp.'49:c.6,D-40)	
objections to.....(Sp.'49:c.6,D-40)	
CLAIMS	
legislative relief, filed with budget bureau,	
conditions.....('49:c.324,A-49)	

CUMULATIVE INDEX

CLAIMS AND RELIEF OF PERSONS

PAGE

See Appropriations

CLASSIFICATION

base pay increased; bonus.....('47:c.208,A-4)
 bonus, defense act.....('45:c.13,E-213)
 blind, division to bureau.....('45:c.113,A-81,s.3)
 cemetery employees not under.....('45:c.123,F-236)
 circuit court personnel.....('45:c.35,D-162)
 civil identification employees.....('47:c.246,A-38)
 civilian employees of armed service returning
 to government office.....('45:c.114,A-15)
 county police, see.....('47:c.212,B-106)
 director, bureau of blind, § 4871.....('45:c.113,A-81)
 district courts, Hawaii, § 9779.....('47:c.171,D-159)
 "employee," "position," defined.....('47:c.208,A-4)
 employee paid partly from territorial, partly
 from federal funds.....('45:c.25,A-20)
 employment relations employees.....('45:c.250,A-68,s.4)
 fire chief, Hawaii, § 6402.....('47:c.174,B-114)
 fire department, Hawaii.....('47:c.174,B-114,s.3)
 fire department, Honolulu.....('49:c.282,A-3)
 juvenile court, 1st circuit.....('45:c.142,D-154,s.10)
 leave, cash in lieu of.....('45:c.176,A-16)
 marriage license agents.....('47:c.21,D-181)
 national guard ratings.....('47:c.123,E-189)
 new appointments.....('49:c.298,A-19)
 pay; re-employment, etc.....('45:c.263,A-4)
 pay increase, Hawaii.....('47:c.17,F-225)
 pension commission employees not subject to...('45:c.218,A-18,s.3)
 re-employment after military service.....('49:c.298,A-19)
 war defined.....('49:c.370,A-20)
 re-employment after military service.....('45:c.184,A-14)
 salary standardization law.....('51:c.320,A-3)
 See Salary Standardization Law
 secretary massage board, not subject to.....('47:c.192,A-52)
 study commission.....('47:J.E.12)
 termination of service, notice to be given.....('49:c.298,A-19)
 transfers.....('49:c.298,A-19)
 university projects, exemption.....('47:c.141,A-42)
 veterans' council employees.....('45:c.150,E-211,s.5)
 Waimano patients.....('47:c.183,A-60)

28-47

CLEANING AND DYEING

See Lenses

CLERKS, BAILIFFS, ETC.

bailiffs, 1st circuit.....('45:c.249,D-158)
 district courts.....('45:c.80,D-156,s.3)
 See also.....('47:c.26,D-157,s.2,p.372-73)
 Molokai district court.....('47:c.26,D-157)

CLERKS OF COURT

escheat of funds distributed to unfound
 beneficiaries.....('49:c.395,D-280)
 escheat of unclaimed moneys in custody of.....('49:c.396,D-255)
 small estates, administration of.....('49:c.395,D-280)
 support, enforcement of, uniform law.....('51:c.216,D-238)
 temporary assistants.....('51:c.192,D-222)
 temporary assistants.....('49:c.33,D-249)
 traffic violations, reports to be made of.....('51:c.206,C-175)
 unclaimed property, duty to report to police.....('49:c.319,B-165)
 veterans, free copies of certain records to be
 furnished.....('49:c.44,D-250)

582-586

568

430

CLOSED PRIMARY ELECTION

provisions generally.....('49:c.51,A-8)

CUMULATIVE INDEX

	PAGE
CLUB	
definition, of liquor license.....('45:c.144,C-140)	
CODES	
Kauai county, power to adopt.....('49:c.157,F-333)	
ordinance, Hawaii('47:c.193,B-110)	
COLLECTIVE BARGAINING	
government employees('47:c.119,A-8)	
regulation of('45:c.250,A-68)	
COMBUSTIBLES	
defined, regulation of.....('51:c.101,A-105)	256, 257
COMMERCIAL FISHING	
defined(Sp.'49:c.51,A-11)	
See Fishing	
COMMERCIAL PAPER	
fraudulently drawing on banks, evidence...('51:c.303,D-231)	572
COMMERCIAL RENT CONTROL	
See('45:c.69,E-215)	
defense rule 105 continued.....('45:c.69,E-215,s.17)	
effective, expiration dates.....('45:c.69,E-215,s.20)	
misdeemeanors('45:c.69,E-215,s.16)	
See L. 1945, Index	
COMMISSION ON CHILDREN AND YOUTH	
provisions generally('49:c.294,D-287)	
COMMISSIONS	
See Boards and Commissions	
COMMON CARRIERS	
blind, guide, transportation of.....('47:c.109,A-72)	
blind, guide dog, on.....('45:c.265,A-83)	
bus operators, schools.....('45:c.110,C-142)	
certificate of public convenience, § 4719.....('45:c.189,A-78)	
certificates of convenience and necessity.....('49:c.366,A-133)	
drivers, regulation of.....('51:c.254,C-173)	429
regulation of motor vehicle carriers,	
Hawaii county(Sp.'49:c.54,B-25)	
Maul county('51:c.55,B-145)	395, 396
spitting prohibited, where('45:c.66,A-48)	
unclaimed property, duty to report to police.....('49:c.319,B-165)	
COMMON NUISANCE	
abatement and prevention of by injunction,	
procedure('49:c.40,D-263)	
bagasse dust, smoke, § 6233 (8).....('45:c.56,B-124)	
places of prostitution, penalty.....('49:c.31,D-262)	
COMMUNICABLE DISEASES	
See Diseases, Infectious, Tuberculosis	
COMMUNIST ACTIVITIES	
commission on subversive activities.....(Sp.'49:J.R.5)	
See Subversive Activities Commission	
COMMUNIST PARTY	
oath of public employees, not a member of.....('49:c.137,A-21)	

CUMULATIVE INDEX

PAGE

COMMUNITY PROPERTY

act of 1946 see.....('45:c.273,D-201)
 creditors' claims, § 12022.....('45:c.273,D-201)
 control of community property.....('49:c.242,D-296)
 curtesy, none, § 12115.....('45:c.273,D-201)
 death of spouse.....('45:c.273,D-201,s.15)
 death of spouse, rights of survivor.....('49:c.242,D-296)
 dissolution of marital community.....('49:c.242,D-296)
 divorce, property division.....('45:c.273,D-201,s.14)
 divorce for adultery, etc., of husband,
 wife's property, § 12233.....('45:c.273,D-201)
 domicile, effect of.....('45:c.273,D-201,s.17)
 dower none, § 12100.....('45:c.273,D-201)
 husband's liabilities, § 12372.....('45:c.273,D-201)
 incapacity of spouse.....('45:c.273,D-201,s.11)
 joint tenants, etc.('45:c.273,D-201,s.6)
 presumption('45:c.273,D-201,s.5)
 presumption of separate property.....('49:c.242,D-296)
 property subject to obligations.....('45:c.273,D-201,s.13)
 prospective only('45:c.273,D-201,s.16)
 repeal: §§ 12367, 12373-75.....('45:c.273,D-201)
 repeal of portion of law.....('49:c.242,D-296)
 representation, litigation('45:c.273,D-201,s.12)
 representation in legal proceedings.....('49:c.242,D-296)
 separate property of:
 husband('45:c.273,D-201,ss.1,3)
 wife('45:c.273,D-201,ss.2,3)
 transfers between spouses.....('45:c.273,D-201,s.7)

COMMUTATION OF PUNISHMENT

felons('49:c.332,A-101)

COMPENSATING TAX

See Taxation

COMPENSATION-DIVIDENDS TAX

See Taxation

CONDEMNATION

See Eminent Domain

CONDITIONAL SALES CONTRACTS

liens on property sold.....('49:c.173,C-243)

CONSERVATOR

absentee's property('45:c.30,D-202)
 community property law.....('45:c.273,D-201)
 fiduciary powers, restrictions.....('45:c.197,C-148)
 qualifications, powers('45:c.30,D-202,s.2)

CONSPIRACY

defined, penalties(Sp.'49:c.10,D-42)
 witnesses' privileges(Sp.'49:c.10,D-42)
 See Crimes and Offenses

CONSTITUTION

submission to people for ratification.....(Sp.'50:J.R.1)

6-8

CONSTITUTIONAL CONVENTION

appropriation and pay of delegates.....('49:c.334,E-313)
 constitution, submission to people
 for ratification(Sp.'50:J.R.1)
 delegates, qualifications, number, apportionment.....('49:c.334,E-313)
 districts, schedule of.....('49:c.334,E-313)
 election of state officers.....('49:c.334,E-313)
 elections, primary and final.....('49:c.334,E-313)
 first meeting of delegates.....('49:c.334,E-313)
 form of constitution.....('49:c.334,E-313)

6-8

CUMULATIVE INDEX

PAGE

CONSTITUTIONAL CONVENTION—continued

laws to continue in effect, exceptions.....('49:c.334,E-313)
nomination and election of delegates.....('49:c.334,E-313)
persons authorized to vote.....('49:c.334,E-313)
proclamation of governor.....('49:c.334,E-313)
ratification or rejection by popular vote.....('49:c.334,E-313)
report to legislature.....('49:c.334,E-313)
request to congress to approve constitution.....('49:c.334,E-313)
senators and representatives, election of.....('49:c.334,E-313)
territorial limits of proposed state.....('49:c.334,E-313)

CONSTRUCTION OF LAWS

See Laws, Session Laws, Statutes

civil service('47:c.110,A-2)
effect of enacting R. L. 1945.....('45:c.1,A-1)
number, gender, or person, etc.('45:c.233,A-2)
tax rulings, § 5104 (15)('45:c.79,A-91)

CONSUMPTION TAX

See Taxation

CONTAGIOUS DISEASES

See Diseases, Infectious, Tuberculosis

CONTEMPT

board or commission subpoena, enforcement by....('49:c.329,A-17)
jury questionnaires, failure to complete.....('51:c.35,D-227) 564, 565
special proceedings for possession of personal
property, violation of court order.....(Sp.'49:c.7,D-41)
stevedoring industry disputes, failure to obey
court order(Sp.'49:c.62,A-15)
subversive activities commission, proceedings for....(Sp.'49:J.R.5)
witnesses for foreign depositions.....('51:c.199,D-228) 565, 566

CONTRACTORS

building plans, approval by fire marshal.....('45:c.166,C-150)
general excise tax.....('47:c.111,A-81,s.9)
See also('45:c.253,A-104,s.2)
lien for labor and materials.....(Sp.'49:c.28,C-34)

CONTRACTS

accounts receivable, assignment and notice...('51:c.45,C-210) 516-521
agricultural cooperative associations.....('49:c.234,C-230)
bids, notice, execution.....('45:c.147,A-9)
conditional sales, liens.....('49:c.178,C-243)
life insurance('47:c.182,C-144)
policy('47:c.221,C-143)
motor vehicles, retail installment contracts...('51:c.90,C-177) 444, 445
public; purchases, etc.('47:c.18,A-13)
trust receipts, uniform law.....('51:c.43,C-217) 527-538
See Trust Receipts

CONTRACTS, PUBLIC

expenditures of public money.....('51:cc.227,78,A-9,A-10) 62-64

CONTROLLER

Honolulu, duties('45:c.138,B-135)

CONVEYANCES, REGISTRATION OF

See Registration of Conveyances
acknowledgment, outside U.S.('47:c.86,D-188)
acknowledgments, not required for signatures
of certain officials.....('45:c.84,D-207)
certificate, land court, § 12641.....('45:c.255,D-205,s.1)
documents, size, § 12730.....('45:c.241,D-206,s.3)
fees for recording, § 12728.....('47:c.157,D-187)

CUMULATIVE INDEX

	PAGE
CONVEYANCES, REGISTRATION OF—continued	
judgments, filing fees.....	('47:c.158,D-160)
minor veterans, loans.....	('47:c.9,D-174)
powers, release of.....	('47:c.126,C-151)
translations Hawaiian records.....	('45:c.54,D-209)
CONVICTS	
firearms, possession by, restrictions.....	('51:c.253,C-169) 422
COOPERATIVE ASSOCIATIONS	
agricultural, provisions generally.....	('49:c.234,C-230)
See Agricultural Cooperative Associations	
name, restrictions, § 8254.....	('47:c.235,C-135)
specialist in, appointment by university.....	('49:c.248,A-57)
CORONERS	
autopsies and further investigation.....	('49:c.355,D-260)
coroner's duties	('49:c.355,D-260)
coroner's physician, duties of.....	('49:c.355,D-260)
deaths and stillbirths, duties relating to	
certificates of	('49:c.327,A-92)
decomposed remains, disposition of.....	('49:c.355,D-260)
hospital records, access to.....	('49:c.355,D-260)
personal effects of decedents, disposition of.....	('49:c.355,D-260)
physicians, hospitals, undertakers, to be	
notified of law.....	('49:c.355,D-260)
removal of corpse, permitted when.....	('49:c.355,D-260)
reports, copies, fees.....	('47:c.164,D-165)
CORPORATIONS	
agricultural cooperative associations.....	('49:c.234,C-230)
See Agricultural Cooperative Associations	
annual exhibit, making, etc., inspection, penalty..	('49:c.191,C-231)
annual meetings	('45:c.228,C-146)
articles of association	
affidavit, contents	('51:c.120,C-197) 474, 475
statements in	('51:c.117,C-196) 473
banks	
merger, national with territorial.....	('51:c.198,C-186) 461-466
building and loan amendments.....	('49:c.67,C-229)
building and loan amendments.....	('47:c.181,C-134)
by-laws, meetings affecting.....	('47:c.225,C-137)
cemetery associations, exemption from general	
excise tax, § 5459 (m).....	('45:c.158,A-105)
charter	
application, petition, contents.....	('51:c.118,C-198) 475
grant of	('51:c.118,C-198) 475
cumulative voting	('45:c.228,C-146)
directors:	
cumulative voting for.....	('45:c.228,C-146)
special meetings to elect.....	('45:c.228,C-146)
waiver of residence, etc. when.....	('45:c.143,C-144)
dissolution, voluntary	('47:c.176,C-140)
dissolution of	
reinstatement after involuntary	
dissolution	('51:c.119,C-200) 477
dividends for tax purposes.....	('45:c.121,A-101)
See Taxation, General Excise Tax	
dividends unclaimed, escheat.....	('47:c.127,D-182)
donations for charity, pensions.....	('47:c.104,C-138)
eleemosynary, general excise tax exemptions..	('45:c.253,A-104,s.3)
eleemosynary corporations	('51:c.118,C-198) 475
facsimile copies of records.....	('45:c.17,D-168)
fees, generally	('51:c.80,C-199) 476, 477
fiduciary powers, restrictions.....	('45:c.197,C-148)
fire, marine, ratings.....	('47:c.61,C-146,s.6)

CUMULATIVE INDEX

	PAGE
CORPORATIONS—continued	
foreign	('51:c.294,C-201) 477-480
See Foreign Corporations	
income tax, § 5502.....	('47:c.111,A-81,s.13)
See 1947 Supplement	
income tax deductions, pensions.....	('47:c.150,A-87)
inheritance tax duties, § 5573.....	('45:c.262,A-107)
insurance rating, license.....	('47:c.60,C-145,s.6)
also	('47:c.61,C-146,s.6)
lien on stock.....	('47:c.124,C-136,s.14)
loans, building and loan, leased property.....	('45:c.98,C-145)
name, restriction	('47:c.235,C-135)
officers, etc., examination of in civil action	
when corporation is adverse party.....	('45:c.183,D-167)
redevelopment corporations, creation,	
powers, restrictions, etc.	('49:c.379,B-175)
See Urban Redevelopment Act	
reinstatement of involuntarily dissolved	
corporations	('51:c.119,C-200) 477
special meetings for election of directors.....	('45:c.228,C-146)
stock owner's rights.....	('47:c.124,C-136,s.3)
stock reclaimed	('47:c.124,C-136,s.7)
stock transfer act.....	('47:c.124,C-136)
stock, voting by fiduciary.....	('47:c.105,C-139)
stockholders, nominees for fiduciary.....	('47:c.129,C-148)
stocks, bonds, transfer of by fiduciary.....	('45:c.197,C-148,s.3)
trade marks	('47:c.163,C-152)
veteran's guardian's rights.....	('47:c.202,D-186,s.15)
voting for directors, cumulative.....	('45:c.228,C-146)
COSMETICIANS	
regulation of	('49:c.397,A-62)
See Beauty Culture	
regulation of	('45:c.140,A-48)
COSTS AND FEES	
See Fees, Fines	
accounting for, § 9742	('45:c.57,D-159)
administrators, etc., special.....	('47:c.100,D-158)
appeals, frivolous in summary possession.....	('45:c.192,D-176)
appeals from judges.....	('45:c.194,D-153)
circuit courts, certification.....	('45:c.94,D-161)
See	('45:c.248,A-11)
claim and demand proceedings.....	(Sp.'49:c.6,D-40)
copies of public records.....	(Sp.'49:c.23,A-4)
district court:	
judgment debtor, examination.....	('45:c.55,D-160)
writ of possession.....	('45:c.55,D-160)
public records, copies of.....	('49:c.345,A-12)
sheriffs and police officers.....	('49:c.387,D-252)
small estates, exemption from.....	('49:c.395,D-280)
tax appeals, § 5217.....	('45:c.92,A-99,s.1)
CO-TENANCY	
See Community Property	
embezzlement	('45:c.63,D-181)
tax lien, release of § 5167.....	('45:c.220,A-98)
COUNTY BUDGETS	
See Taxation	
COUNTY GOVERNMENT	
admission fees, rentals, power of Kauai and	
Maul to charge.....	('49:c.10,B-176)
advertisement of bills, resolutions,	
ordinances	('51:c.220,B-134) 338
advisory health committee, appointment of..	('51:c.129,A-57) 163
aeronautics, enforcement	('47:c.32,A-75,s.18)
airport hazard, etc., regulations.....	('45:c.182,A-85,s.4)

CUMULATIVE INDEX

COUNTY GOVERNMENT—continued

PAGE

ambulance service to be rendered free in emergencies	('49:c.246,B-162)	
antitoxins, vaccines, etc., purchase by board of health, etc.	('45:c.191,A-46)	
appropriations, police, § 6300	('47:c.212,B-106)	
See Appropriations		
attorney:		
agricultural commodities control duties	('45:c.252,A-29,s.2)	
automobile dealers, salesmen board, duties ..	('51:c.90,C-177)	443
destroying records	('47:c.146,B-98)	
enforcement foreign language school law	('49:c.72,A-55)	
motor vehicle safety responsibility act, duties under	('49:c.393,C-224)	
nuisances, proceedings to enjoin	('49:c.40,D-263)	
police officers to be assigned to	('49:c.249,B-173)	
private practice, restrictions on	('51:c.220,B-134)	339
public utility labor law, duties under	('49:c.146,A-109)	
redevelopment agencies, counsel for	('49:c.379,B-175)	
representing police, § 6017	('45:c.162,B-119)	
strikes against government, powers and duties ..	(Sp.'49:c.42,A-9)	
unclaimed property, retained as evidence when ..	('49:c.319,B-165)	
auditor:		
deduction from payroll for duties and insurance premiums	('49:c.275,A-48)	
duties, inventories, § 1657	('45:c.151,A-31)	
pay warrants to list deductions	('49:c.256,B-177)	
automobile dealers' and salesmen's licenses ..	('51:c.90,C-177)	433-446
See Automobile Dealers and Salesmen		
bagasse dust, smoke § 8233 (8)	('45:c.56,B-124)	
blind, guide, transportation of	('47:c.109,A-72)	
bond issue obligations on territorial term, refunding bonds, terminated	('45:c.8,E-220)	
See Bonds, Bond Issues		
bonds of officers, etc.	('47:c.198,A-15)	
form	('45:c.205,A-13)	
bonus, defense act	('45:c.13,E-213,s.3)	
bribery forfeitures	('47:c.188,D-166)	
building plans, approval by fire marshal	('45:c.166,C-150)	
cemeteries for veterans	('47:c.214,E-190)	
children and youth committees, appointment of, duties, etc.	('49:c.294,D-287)	
circuit court, personnel, property	('45:c.35,D-162)	
civil defense law	('51:c.268,E-253)	606-636
See Civil Defense		
civil service law	('51:c.319,A-2)	2-27
See Civil Service		
civilian employees of armed service returning to government office	('45:c.114,A-15)	
classification study	('47:J.R.12)	
clerk, absentee voters	('45:c.99,A-7)	
See Elections		
clerk of county		
additional voting booths or units, duties regarding	('51:c.309,A-4)	48
political parties, list of officers to be furnished to	('51:c.310,A-7)	51
clerks of election	('45:c.244,A-5,s.2)	
codes, enactment of by reference, Hawaii and Maui counties	(Sp.'49:c.53,B-28)	
commercial rent control	('45:c.69,E-215,s.3)	
compensatory time off for overtime work	(Sp.'49:c.36,A-6)	
contracts, call for bids, etc.	('45:c.147,A-9)	
See Expenditure of Public Moneys		
conveying patients to territorial hospital from outside islands	('45:c.222,A-63)	
coroner's fees	('47:c.164,D-165)	
crime statistics, § 1541.01	('47:c.246,A-38)	
dentists	('45:c.118,A-44)	

CUMULATIVE INDEX

COUNTY GOVERNMENT—continued

PAGE

disaster relief organizations.....	('49:c.320,B-305)	
election ballots, destroying, § 6220.....	('45:c.236,B-123)	
election expenses	('45:c.81,A-6,s.2)	
elections, registration of voters by clerk's subordinates	('47:c.151,A-5)	
elections and voting See Elections		
eminent domain, power of.....	('51:c.96,B-131)	322, 323
eminent domain, public property.....	('49:c.377,A-9)	
eminent domain proceedings.....	('51:c.12,A-8)	52-61
See Eminent Domain		
employees, residence, citizenship requirements....	('49:c.190,A-10)	
engineers' duties re inventories.....	('45:c.151,A-31)	
eschew of unclaimed money in courts.....	('49:c.396,D-255)	
excess liabilities, power to incur, repayment.....	('49:c.342,A-159)	
excess remnants, domain.....	('45:c.185,A-8)	
expenditures in excess of available funds, authorized when	('49:c.342,A-159)	
expenditures of public money.....	('51:cc.227,78,A-9,A-10)	62-64
federal-aid highways, maintenance from territorial funds, § 4972.....	('45:c.82,A-37)	
See	('47:c.88,B-101,p.253)	
federal-aid roads, excavating.....	('45:c.173,A-88)	
firemen, salaries	('51:c.203,B-136)	342
flood control, § 6233 (8A).....	('45:c.190,B-125)	
fuel tax distribution, see Taxation		
funeral escort by police to be furnished free.....	('49:c.193,B-163)	
general excise proceeds.....	('47:c.111,A-81,s.3)	
Hawaii:		
See Appropriations, Hawaii County		
bridges, Niihii gulch.....	('45:c.31,A-100)	
building zoning, etc.	('47:c.76,B-109)	
fire department	('47:c.174,B-114)	
gymnasiums	('47:c.111,A-81)	
Hilo Memorial, members, § 6385.....	('45:c.29,B-127)	
See Hawaii County		
Hilo sewer fund.....	('47:c.222,B-113)	
purchase, equipment	('47:c.144,B-111)	
standard codes	('47:c.193,B-110)	
water works, etc., revenues.....	('47:c.40,B-112)	
Hawaii county board of water supply.....	('49:c.86,B-185)	
Hawaii housing, aid to.....	('47:J.R.4,s.6)	
Hawaii housing authority, gifts to and from, furnishing of services, etc.	('49:c.268,B-166)	
Hawaii housing authority projects, garbage disposal services for	(Sp.'49:c.20,B-23)	
Hawaii housing authority to be furnished certain services free of charge.....	('49:c.281,B-167)	
Hawaii housing payments, § 3538.....	('45:c.200,A-58)	
highway maintenance tools, furnished by county	('47:c.88,B-101)	
highways defined; control.....	('47:c.142,B-100)	
post-war reconstruction	('45:c.164,A-89)	
resolution for funds.....	('47:J.R.21)	
signs on	('45:c.172,A-86)	
historical sites committees.....	('51:c.36,B-248)	598
Honolulu: streets, use of, § 6521 (2).....	('45:c.27,B-131)	
See Honolulu		
hospitals, §§ 6381, 6416, 6457, 6524, repealed, terminating county support.....	('45:c.93,B-126)	
See Biennial Budget		
hours of labor on public works.....	('51:c.139,A-12)	65, 66
hours of work, per diem employees.....	('51:c.231,A-13)	67
indigent burials	('47:c.22,A-70,p.158)	
inventories to auditor, § 1652.....	('45:c.151,A-31)	
inventory of government property.....	('51:c.20,A-42)	136
investments, short term, § 6008.01.....	('45:c.43,B-118)	
jailors, appointment, duties, etc.....	('51:c.113,A-71)	193
Kauai:		
See Appropriations, Kauai County		
dentist appropriations when.....	('45:c.6,B-129)	

CUMULATIVE INDEX

COUNTY GOVERNMENT—continued

PAGE

Kauai:—continued

hospital, Samuel Mahelona.....	('47:c.51,B-115)	
meetings of supervisors.....	('47:c.197,B-105)	
supervisors, number, § 6412.....	('45:c.75,B-123)	
libraries	('51:c.190,A-48)	146-152

See Libraries

loan fund 1947.....	('47:c.205,F-209)	
loans from territorial treasurer, authorized when.....	('49:c.342,A-159)	
loans from Territory, § 6812.....	('45:c.133,A-114,s.1)	
loans to Territory, § 6009.01.....	('45:c.133,A-114,s.2)	
loyalty board	('51:c.256,A-20)	85-97

See Loyalty Board

loyalty oath	('45:c.131,A-17)	
--------------------	------------------	--

See that topic

loyalty oath required of employees.....	('49:c.137,A-21)	
mainland depositories, § 6008.02.....	('45:c.43,B-113)	
massage, lomi-lomi	('47:c.192,A-52)	

Mauli:

See Appropriations, Maui County

airport, appropriation	('45:c.35,F-233)	
engineer, § 6465	('47:c.25,B-117)	
medical care of indigents.....	('51:c.129,A-57)	162-165
meetings of supervisors.....	('47:c.197,B-105)	
mental hygiene clinics.....	('45:c.102,A-53)	
mental hygiene expenses, welfare.....	('47:c.6,A-55)	
mental illness wards.....	('49:c.337,A-104)	
mentally ill persons, conveyance to hospital....	('51:c.16,A-73)	194
mentally ill persons, temporary care of.....	('51:c.219,A-73)	195
motor vehicle number plates.....	('47:c.33,A-91)	
motor vehicles, owned by, regulations, penalty....	('49:c.339,A-14)	
notice to, airport zoning.....	('45:c.132,A-85,s.5)	
oath required of government employees.....	('51:c.154,A-21)	97, 98
office hours	('49:c.232,A-16)	
officers, salaries of.....	('51:c.221,B-137)	343-344
officers, salary, bonus.....	('47:c.209,B-107)	
ordinances, judicial notice.....	('45:c.195,D-169)	
paternity cases, expense.....	('47:c.57,D-176)	
pay warrants to list deductions.....	('49:c.255,B-177)	
pension, limitation	('47:c.153,B-104)	
pension board meetings	('47:c.87,B-103)	
pension bonus, biennium	('45:c.175,F-234)	

See Appropriations, Bonus

pension commission	('45:c.218,A-18)	
--------------------------	------------------	--

See Appropriations, Pensions

pensions, computation of service.....	(Sp.'49:c.53,B-24)	
pensions, eligibility, payments.....	('49:c.156,B-172)	
amount	('49:c.250,B-173)	
pensions to former employees.....	('45:c.264,B-122)	
planning, traffic, Hawaii.....	('47:c.77,B-108)	
police, suits against, determination whether acts were in scope of duty, § 6017.....	('45:c.162,B-119)	
police department, Hawaii, Kauai, Maui; repeal §§ 5259; 6386-6401; 6430-6445; 6467-6483.....	('47:c.212,B-106)	
police departments		
salaries	('51:c.233,B-135)	339-342
public employees to be citizens, exceptions....	('51:c.44,A-11)	65
public land special fund.....	('47:c.107,A-68)	
public welfare recipients, work by.....	('51:c.291,A-103)	252, 253
records, convictions, § 1541.02.....	('47:c.246,A-38)	
records, vouchers, destruction.....	('47:c.146,B-98)	
re-employment upon termination of military service	('51:c.262,A-19)	77, 78
register, official, of voters.....	('49:c.309,A-4)	
reimbursement, homestead roads, etc.	('47:c.107,A-68,s.6)	
removal of employees for failure to testify....	('51:c.177,A-15)	70-72
retirement rights, legislative employee.....	('47:c.53,A-23)	
retirement system	('45:c.73,A-19)	
See 1947 Supplement		
revenue bonds, § 6081.....	('47:c.74,A-97,s.3)	

CUMULATIVE INDEX

COUNTY GOVERNMENT—continued

PAGE

revenue bonds:	
definitions	('49:c.291,B-168 and c.153,B-169)
purchases	('47:c.74,A-97,s.5934)
termination	('47:c.10,B-99)
termination of power to issue	('49:c.4,B-170)
road fund, §§ 5713, 6007	('45:c.83,A-111)
See "Appropriations," "Taxation"	
roads, water, to residence, business lots in sale	
of public lands; agreements	('45:c.123,A-77)
salaries, employees abroad on research	('47:c.1,A-14)
salaries, officers	('47:c.209,B-107)
salary standardization law	('51:c.320,A-3) 28-47
See Salary Standardization Law	
servicemen, returning	('45:c.263,A-4)
sick leaves, substitute's pay	('47:c.27,A-16)
storm drainage, etc., §§ 6233, 6521	('45:c.190,B-125)
strikes against government, prohibited	(Sp.'49:c.42,A-9)
subdivisions, duty to maintain	
improvements in	('49:c.74,B-171)
streets, roads, etc., in, to be accepted	('49:c.74,B-171)
supervisors:	
bagasse conveyor control, § 6233 (8)	('45:c.56,B-124)
investments, § 6008.01	('45:c.43,B-118)
mainland depositories, § 6008.02	('45:c.43,B-118)
meetings § 6239	('47:c.197,B-106)
pensions while	('47:c.28,A-19)
powers restricted as to signs on	
federal-aid highways	('45:c.172,A-86)
storm drainage, § 6233 (8A)	('45:c.190,B-125)
surplus property, purchase of	('51:c.289,A-14) 68, 69
surplus property purchase fund	('45:c.207,F-248)
surveyor, territorial, maps to be filed with ...	('51:c.283,A-91) 239
tax budget	('47:c.111,A-81)
See 1947 Supplement	
tax exemption of property made useless	
by ordinance restrictions, etc.	('45:c.88,A-97)
tax rates	('47:c.111,A-81)
tax refunds	('45:c.246,F-256,s.3)
temporary loans to	('47:c.167,A-93)
territorial parks, contributions to	('49:c.185,A-32)
time, standard applies	('47:c.161,A-1)
traffic resolutions, publication not	
required when	('51:c.220,B-134) 338
treasurer, chauffeur's license	('47:c.168,C-132)
treasurer:	
appeals from, motor vehicle	
registration cases	('51:c.237,C-176) 431, 432
custodian of security under motor vehicle	
responsibility act	('49:c.393,C-224)
duties, tax funds	('47:c.111,A-81,s.3)
investments, § 6008.01	('45:c.43,B-118)
mainland depositories, § 6008.02	('45:c.43,B-118)
motor vehicles, licensing of ...	('51:cc.222,162,A-125,A-126) 308-314
tax lien and encumbrance record	('49:c.164,C-216)
unclaimed property, duties relating to	('49:c.319,B-165)
union affiliation	('47:c.119,A-3)
urban redevelopment act	('49:c.379,B-175)
See Urban Redevelopment Act	
vacations, earned credits, claim for	('49:c.258,F-401)
vacations of public employees	('51:c.326,A-17) 74, 75
veterans' affairs committees	('51:c.75,E-252) 605
voting machines	('49:c.318,A-7)
See Elections, subhead, voting machines	

COURTS

See Appeals, Circuit Courts, Civil Procedure, Crimes and Offenses, Equity, Injunction, Juvenile Courts, Landlord and Tenant, Probate, Summary Possession

CUMULATIVE INDEX

COURTS—continued

PAGE

adoption:

See Adoption

adoption, decree, record.....('47:c.47,D-175)
 agricultural commodities control, enforcement.....('45:c.252,A-29,s.2)
 airport zoning appeals.....('45:c.182,A-85,ss.8,11)
 compensation('45:c.182,A-85,s.11(3))
 enforcement('45:c.182,A-85,s.12)
 appeal from juvenile court.....('47:c.50,D-179)
 appeals from judges at chambers.....('45:c.194,D-153)
 commercial rent('45:c.69,E-215,s.12)
 labor board('45:c.250,A-68,s.9)
 liquor control, defense.....('45:c.52,E-214)

See "Appeals"

appraiser's fees, § 5574, 9761.....('45:c.37,A-108)
 appropriations, 1951-1953('51:c.318,F-274) 669
 attorneys, qualifications('45:c.226,D-157)
 as masters('45:c.95,A-10)
 bailiffs, court officers, 1st circuit.....('45:c.249,D-158)

circuit court:

adjournment of, § 9644.....('47:c.220,D-154)
 assignment of judges to other circuits.....('49:c.37,D-245)
 award of arbitrators, confirmation of.....('49:c.347,C-239)
 clerks' duties re inventories.....('45:c.151,A-31,s.5)
 first circuit judges, number.....('51:c.226,D-220) 556
 governor's emergency representatives,
 power to assist(Sp.'49:c.21,A-5)
 jury commissioners, appointment of.....('49:c.75,D-253)
 jury questionnaires, failure to

complete, contempt('51:c.35,D-227) 564, 565

mechanics and materialmen, notice of lien, etc....('49:c.241,C-240)
 personnel, salaries('45:c.35,D-162)

See Circuit Courts

probation officers, inspection of night clubs
 and dance halls.....('49:c.159,D-246)
 strikes against government, jurisdiction
 to enjoin(Sp.'49:c.42,A-9)
 terms, trials, § 9640.....('47:c.134,D-153)
 claim and demand, personal property, procedure..(Sp.'49:c.6,D-40)
 clerk's duties, eminent domain.....('47:c.200,A-12)
 clerks of court, temporary assistants.....('51:c.192,D-222) 558

See Clerks of Court

copies, public documents, fees.....('45:c.248,A-11)
 copies of records, fees for.....(Sp.'49:c.23,A-4)
 costs, district court, examination of judgment debtor,
 writ of possession('45:c.55,D-160)
 costs, tax appeals, § 5217.....('45:c.92,A-99,s.1)
 costs and fees, service of process, etc.('49:c.387,D-252)
 crime statistics, § 1541.01.....('47:c.246,A-38)
 deposition, to be used in foreign jurisdiction. ('51:c.199,D-228) 565, 566

district magistrates:

appeals from('51:c.272,D-219) 554, 555
 appointments, § 9671('47:c.173,D-155)
 clerks('45:c.80,D-156)
 clerks, appointment, § 9728.....('47:c.26,D-157)
 criminal jurisdiction('47:c.231,D-156)
 disqualification, absence, vacancy,
 temporary district magistrate.....('49:c.228,D-247)
 ejectment proceedings, jurisdiction.....('49:c.315,D-248)
 military legal officers, right to appear in
 traffic cases(Sp.'49:c.38,D-37)
 divorce, marriage license.....('47:c.83,D-182)
 eminent domain, order of possession

pending action('51:c.12,A-8) 57-60

See Eminent Domain

enforcement of board or commission subpoena.....('49:c.329,A-17)
 escheat of unclaimed moneys in courts.....('49:c.396,D-255)
 facsimile copies('45:c.17,D-168)
 fees, executors, etc., § 9757.....('47:c.100,D-158)
 fees of executors, trustees and guardians...('51:c.170,D-223) 559-562
 fruit, vegetable, nuts, export law, jurisdiction
 to abate nuisances.....('49:c.117,A-42)

CUMULATIVE INDEX

COURTS—continued

PAGE

government employees refusal to testify....('51:c.177,A-15)	71
guardian ad litem, minors.....('47:c.78,D-184)	
guardianships, small.....('47:c.96,D-183)	
guardianships, veterans.....('47:c.202,D-186)	
injunction, violation of agricultural commodities control.....('45:c.252,A-29,s.2)	
inventories to auditor, § 1651.....('45:c.151,A-31)	
Judges, premarital exam waiver.....('45:c.136,D-197)	
See District Magistrates, Judges	
Jurors, residence qualification.....('45:c.163,D-165)	
jury fees, § 9797.....('45:c.62,D-163)	
certificates, § 9798 (see Jury).....('45:c.62,D-163)	
jury list, limitation on.....('45:c.163,D-165)	
Hawaii.....('45:c.149,D-164)	
Juvenile:	
See Juvenile Courts	
Juvenile, § 12322.....('47:c.230,D-178)	
jurisdiction, funds.....('47:c.56,D-177)	
also.....('47:c.230,D-178)	
labor board orders, enforcement.....('45:c.250,A-68,s.9)	
land court:	
See Land Court Registration	
mandamus, revenue bond projects, § 5935.....('47:c.74,A-97)	
motor vehicle, chauffeur's license, waiver	
re financial responsibility.....('47:c.168,C-132)	
motor vehicle registration, appeal	
from treasurer.....('51:c.237,C-176)	431, 432
nuisances, proceedings to enjoin.....('49:c.40,D-263)	
party to civil action, examination of.....('45:c.183,D-167)	
paternity judgments.....('47:c.57,D-176)	
prevention of unfair labor practices.....('45:c.250,A-68,s.9)	
quieting titles, action at law for.....(Sp.'49:c.46,D-39)	
records, copies of, fees.....('49:c.345,A-12)	
referees, appointment of by juvenile court.....('49:c.88,D-289)	
reporters, salary and perquisites of.....('49:c.361,D-251)	
reproduction of records.....('45:c.26,A-12)	
salary, juvenile court, 1st circuit.....('45:c.142,D-154)	
salary of judges, petition.....('47:J.R.8)	
Judges generally.....('45:c.261,E-216)	
second circuit improvements.....('47:c.206,F-208)	
service of process, Honolulu.....('47:c.139,B-129)	
special proceedings for immediate possession	
of personal property.....(Sp.'49:c.7,D-41)	
See Special Proceedings	
subversive activities commission, jurisdiction to aid..(Sp.'49:J.R.5)	
support, enforcement of, uniform law.....('51:c.216,D-238)	582-586
supreme court:	
assignment of circuit judges to other circuits....('49:c.37,D-245)	
attorneys, admission to bar, discipline.....(Sp.'49:c.67,D-36)	
criminal procedural rules committee,	
appointment of.....('49:c.380,D-244)	
rules relating to criminal procedure and	
practice, power to adopt.....('49:c.380,D-244)	
tax collection cases from other states,	
jurisdiction.....('49:c.311,A-148)	
time, standard applies.....('47:c.161,A-1)	
traffic violations, reports to be made of....('51:c.206,C-175)	430
truant officers.....('45:c.156,A-36)	
tubercular persons, compulsory isolation,	
hospitalization of.....('49:c.307,A-71)	
weed control permit revocation, appeal.....('51:c.76,A-39)	130, 131
witness fees, § 9827.....('45:c.38,D-166)	

COURTS-MARTIAL

convening, punishment.....('51:c.30,E-249)	599
--	-----

CREDITORS

accounts receivable, assignment and notice....('51:c.45,C-210)	516-521
--	---------

CUMULATIVE INDEX

	PAGE
CRIMES AND OFFENSES	
aeronautics law	('47:c.32,A-75,s.19)
affray, penalty	('49:c.325,D-261)
agricultural commodities control, violating of regulations, misdemeanor.....	('45:c.252,A-29,s.2)
agricultural cooperative association law, violations	('49:c.234,C-230)
aircraft, reckless operation.....	('47:c.32,A-75,s.3)
airport zoning violations.....	('45:c.182,A-85,s.12)
assault and battery:	
aggravated offenses, penalty.....	('49:c.325,D-261)
assault defined	('49:c.325,D-261)
battery defined	('49:c.325,D-261)
intermediate offenses, penalty.....	('49:c.325,D-261)
lesser offense punishable when.....	('49:c.325,D-261)
penalties	('49:c.325,D-261)
public officer	('49:c.325,D-261)
slight offenses, penalty.....	('49:c.325,D-261)
use of dangerous substances.....	('49:c.325,D-261)
assault on labor conciliator, etc.	('45:c.250,A-68,s.15)
automobile dealers, salesmen license law....	('51:c.90,C-177)
ball, marble, dart game, etc., permitting minors, unaccompanied, to play.....	('45:c.36,C-139)
barbering, penalty	('47:c.194,A-44,s.15)
bank examiner law, penalty for violations....	('51:c.99,A-127)
beautician rules, etc.	('47:c.238,A-45,s.6)
beauty culture violations	('49:c.397,A-62)
begging or soliciting alms	('49:c.100,D-278)
blind, failure to protect.....	('47:c.35,A-73)
blind with guide dog refused transportation on public carrier, § 4879.02.....	('45:c.265,A-83)
bribery; forfeitures	('47:c.188,D-166)
bribery, sports, § 11076.....	('47:c.186,D-167)
chiropractic penalties	('47:c.94,A-46)
circumventing, fraud, vaccination.....	('47:c.165,A-51)
civil defense law.....	('51:c.268,E-253)
See Civil Defense	
civil defense law violations.....	('51:c.268,E-253)
civil service law.....	('51:c.319,A-2)
commercial paper	
evidence of intent to defraud.....	('51:c.303,D-231)
commercial rent control misdemeanors generally	('45:c.69,E-215,s.15)
commercial rent control orders, violating of as misdemeanor	('45:c.69,E-215,s.6)
common nuisance:	
abatement and prevention of by injunction, procedure	('49:c.40,D-263)
places of prostitution, etc.	('49:c.31,D-262)
contributing to delinquency of minor.....	('45:c.187,D-188)
willful neglect	('45:c.187,D-188)
conspiracy	
defined	(Sp.'49:c.10,D-42)
first degree, penalty	(Sp.'49:c.10,D-42)
second degree, penalty	(Sp.'49:c.10,D-42)
witnesses' privileges	(Sp.'49:c.10,D-42)
consumption tax law violations.....	('51:c.225,A-117)
crime statistics; penalty.....	('47:c.246,A-38)
dangerous weapon, assault or battery with, penalty	('49:c.325,D-261)
defense act violations, § 13134.....	('45:c.275,E-212,s.2)
dentist convicted of felony.....	('47:c.170,A-47)
desertion and non-support, penalty	('51:c.257,D-237)
desertion and non-support, penalty.....	('49:c.333,D-282)
disorderly conduct	('49:c.139,D-277)
drugs, driving while under influence of.....	('49:c.283,D-275)
drunk driving	('49:c.283,D-275)
evidence of intoxication.....	('49:c.283,D-275)
economic poison rules, violating.....	('45:c.60,A-24,s.9)
election laws, voting machines.....	('49:c.318,A-7)
embezzlement, partner, co-owner.....	('45:c.63,D-181)

445, 446

315, 316

606-636

634, 635

21, 22

572

282

581, 582

CUMULATIVE INDEX

	PAGE
CRIMES AND OFFENSES—continued	
embezzlement tax moneys.....('47:c.113,A-85)	
emigrant agent law, violations.....('51:c.106,A-77)	203, 204
employee, failure to report accident.....('45:c.10,A-73)	
explosives, regulation of, violations.....('51:c.101,A-105)	257, 258
false pretenses, obtaining money, etc., by,	
as larceny.....('49:c.78,D-264)	
false representation or report of crime.....('45:c.49,D-182)	
farm produce dealers, violations.....('51:c.74,A-36)	121
farm produce law violations.....('49:cc.114,117,A-41,42)	
federal-aid roads, distributing, excavating	
without permit.....('45:c.173,A-88,s.7)	
feed stuffs, violations.....('47:c.84,A-36,s.10)	
felons, fines.....('45:c.67,D-179)	
See sentence, below	
fire laws, Hawaii, § 6403.....('47:c.174,B-114)	
firearms, possession of by certain	
criminals, penalty.....('51:c.253,C-169)	422
firearms, possession without permit or	
registration.....('49:c.192,C-211)	
firearms, unlawful transfer, penalty.....('51:c.304,C-168)	420, 421
fires, interference in Maui county.....('49:c.25,B-192)	
fish traps, operating without license.....('51:c.53,A-33)	112
fishing, fresh water game fish, penalty.....(Sp.'49:c.57,A-10)	
fishing, hunting gear forfeited.....('47:c.14,A-27)	
fishing, sport, violations.....('49:c.348,A-36)	
fishing for nehu, iao.....('47:c.179,A-33)	
fishing in canals, when.....('47:c.19,A-32)	
fishing law, § 1260.....('47:c.39,A-34)	
fishing with poisons, etc., penalty.....('49:c.49,A-38)	
flour enrichment act violations.....('45:c.101,A-45,s.6)	
food standards, misrepresentation.....('47:c.195,A-35,s.12)	
force or violence, or threats of, unlawful	
when, penalty.....('49:c.73,D-267)	
fortune tellers.....('49:c.99,D-279)	
fraudulent commercial paper, evidence	
of intent.....('51:c.303,D-231)	572
fraudulent display, sale of U.S. goods.....('45:c.214,C-152)	
game reserves, unlawful hunting on.....('51:c.6,A-31)	110, 111
game warden, interference with.....('47:c.30,D-168)	
governor's emergency representatives, penalty	
for false reports to, etc.....(Sp.'49:c.21,A-5)	
gross cheat: scalpers' sale.....('45:c.39,D-183)	
Hansen's disease law violations.....('51:c.157,A-58)	170
health rules, penalty.....('47:c.82,A-43)	
hunting game birds, violations.....('49:c.145,A-34)	
hunting license violations, penalty.....('49:c.84,A-29)	
identification violations, § 1540.15.....('47:c.246,A-38)	
industrial safety violations.....('47:c.64,A-65)	
injury, Hon. Rap. Transit, franchise,	
§§ 15-16, L. 1947.....	
jurisdiction, district court.....('47:c.231,D-156)	
Kauai fire department law.....('51:c.51,B-149)	374
Kauai subdivision regulations.....('51:c.271,B-147)	361
labor board, interfering with.....('45:c.250,A-68,s.15)	
labor contract, interference.....('47:c.143,D-169)	
labor dispute, utilities.....('47:c.53,A-62)	
larceny:	
false pretenses, obtaining money, etc., by.....('49:c.78,D-264)	
larceny from the person, penalty.....('51:c.316,D-232)	573
legislative hearings, punishment of witnesses....(Sp.'49:c.40,A-7)	
libel and slander:	
radio stations not liable for political	
candidates' statements.....('49:c.278,D-265)	
limitations, statute of, § 10691.....('47:c.189,D-163)	
liquor sales on unlicensed premises.....('49:c.147,C-214)	
liquor tax law violations.....('49:c.343,A-157)	
maim or disfigure, assault or battery with	
intent to, penalty.....('49:c.325,D-261)	
malicious conversion, defined, penalty.....('49:c.217,D-266)	

CUMULATIVE INDEX

	PAGE
CRIMES AND OFFENSES—continued	
marijuana, sale to minors, penalty.....('51:c.145,D-230)	571
massage, lomi-lomi act.....('47:c.192,A-52)	
Maul waterworks board, violations of rules.....('49:c.289,B-194)	
minors, prosecution of, consent of judge, juvenile court.....('47:c.56,D-177)	
minors, records confidential.....('47:c.56,D-177)	
minors, unaccompanied, permitted to play ball, marble, dart game.....('45:c.36,C-139)	
motor vehicle safety responsibility act.....('49:c.383,C-224)	
motor vehicles, government owned, violations.....('49:c.389,A-14)	
motorcycles, noisy mufflers.....('49:c.21,D-276)	
narcotics, sale to minors.....('51:c.145,D-230)	571
nets, fine meshed, possession.....('47:c.12,A-31)	
non-support and desertion, penalty.....('49:c.383,D-282)	
nuisances, abatement and prevention of, procedure.....('49:c.40,D-263)	
nurse regulations.....('47:c.240,A-57)	
See.....('45:c.103,A-54)	
obstruction of ingress or egress, penalty.....(Sp.'49:c.9,D-43)	
opelu fish regulations, penalty.....('51:c.13,A-35)	114
optician law violation.....('49:c.183,A-87)	
packaged goods, short weight, penalty.....('51:c.266,C-181)	450, 451
perjury	
false statements, fishing.....('47:c.39,A-34)	
hearings medical board.....('47:c.201,A-53)	
pharmacists, § 2903 repealed.....('45:c.155,A-55)	
pharmacy law violations.....('49:c.175,A-39)	
pharmacy violations, §§ 2901, 2902.....('45:c.155,A-55)	
picketing, §§ 11520-22 repealed.....('45:c.12,D-184)	
See Labor, Repeals	
picketing of residence or dwelling place, penalty..(Sp.'49:c.8,D-44)	
police, representation by county attorney	
when in course of duty.....('45:c.162,B-119)	
public contracts, divulging information.....('51:c.73,A-10)	64
public health record violations.....('49:c.327,A-32)	
public utility labor law violations.....('49:c.146,A-109)	
public welfare assistance, obtaining	
improperly, penalty.....('51:cc.137,138,A-97,A-98)	247, 248
public welfare payments while receiving other	
income.....('49:c.308,A-140)	
public welfare regulations, violation of.....('49:c.353,A-139)	
restraint by force or violence, unlawful	
when, penalty.....('49:c.73,D-267)	
riots and dispersion thereof, defined, penalty.....('49:c.62,D-268)	
failure to disperse, penalty.....('49:c.62,D-268)	
robbery	
larceny from the person, penalty.....('51:c.316,D-232)	573
Sabbath labor, etc., law, repealed.....('49:c.95,D-269)	
sale of securities' law.....('49:c.210,C-242)	
scalpers' sales, amusement tickets.....('45:c.39,D-183)	
seed rules, violations, § 1354.10.....('45:c.90,A-30)	
sentence, minimum, § 10842.....('47:c.199,D-164)	
sex offenses:	
accessories.....('49:c.26,D-272)	
lascivious conduct, etc.....('49:c.26,D-272)	
procurers, pimps.....('49:c.26,D-272)	
prostitution, lewdness, assignation.....('49:c.26,D-272)	
soliciting.....('49:c.26,D-272)	
soliciting, penalty.....('51:c.188,D-233)	575
soliciting, penalty.....('51:c.188,D-233)	575
spitting prohibited where.....('45:c.66,A-48)	
stevedoring industry labor law violations.....(Sp.'49:c.62,A-15)	
subdivision regulations, Honolulu,	
violation of.....('49:c.222,B-204)	
swim suit law, Honolulu, repealed.....('49:c.11,D-273)	
syphilis, premarital examination, circumventing, defeating, etc.....('45:c.136,D-197)	
tax offenses.....('47:c.111,A-81,s.15)	
tax records, failure to keep § 5472.....('45:c.253,A-104)	
territorial park rules, violation, penalty.....('49:c.185,A-32)	

CUMULATIVE INDEX

	PAGE
CRIMES AND OFFENSES—continued	
threats of force or violence, unlawful when, penalty	('49:c.73,D-267)
traffic-violations:	
driving while under influence of liquor or drugs, penalty	('49:c.283,D-275)
weight, size, of power vehicles	('49:c.94,D-274)
trespass, none to beaches over government lands when	('45:c.76,D-185)
trespass by animals, continuing	('45:c.266,A-23)
trespass near dwelling	('45:c.48,D-186)
vaccination, penalties under §§ 2339-40, R. L. 1945, repealed	('45:c.171,A-49)
See §§ 2341-42	
vagrants	('49:cc.99,100,139,D-277,279)
vagrants, trespass	('45:c.48,D-186)
veterinary law violations	('49:c.280,A-91)
vital statistic law violations	('49:c.327,A-92)
voting machine law violations	('49:c.318,A-7)
wage-hour law violations, § 4363	('45:c.15,A-71)
wages, failure to pay, § 4385	('45:c.11,A-72)
wages, unlawful deductions from	('51:c.296,A-85)
warehouse receipts, uniform act	('51:c.39,C-218)
See Warehouse Receipts	
weed control substances, sale of without license ..	('49:c.357,A-45)
weighing machines, etc., refusal to exhibit ..	('51:c.266,C-181)
workmen's compensation law violations	('49:c.115,A-126)
	228
	539-554
CRIMINAL LAW AND PROCEDURE	
accessories to sex offenses	('49:c.26,D-272)
appeals from district court	('51:c.272,D-219)
coroner's inquests	('49:c.355,D-260)
See Coroner's Inquests	
coroner's reports; fees	('47:c.164,D-165)
costs, fines, circuit court, to Territory	('45:c.111,D-180)
defendants, rights of to be tried where arrested, when	('47:c.231,D-156)
district courts:	
arraignment and plea	('49:c.43,D-258)
copy of complaint to accused	('49:c.43,D-258)
jurisdiction	('47:c.231,D-156)
effect of enacting R. L. 1945	('45:c.1,A-1)
felons, fines	('45:c.67,D-179)
See	('47:c.199,D-164)
identification, crime statistics	('47:c.246,A-38)
jury fees, § 9797	('45:c.62,D-163)
certificate, § 9798	('45:c.62,D-163)
lesser included offense, punishable when	('49:c.325,D-261)
limitations, statute of, § 10691	('47:c.189,D-163)
minors, prosecution with consent of judge	('47:c.56,D-177)
motor vehicle, financial responsibility, hearing and review	('47:c.168,C-132)
ordinances, judicial notice when	('45:c.195,D-169)
rules of practice and procedure, supreme court's power to adopt	('49:c.380,D-244)
sentence, fines, felonies	('45:c.67,D-179)
See also	('47:c.199,D-164,p.380-81)
witness fees, § 9827	('45:c.38,D-166)
CRUSTACEANS	
See Agriculture and Forestry, Fishing	
CURFEW LAW	
age of children affected by	('49:c.279,D-286)
CURTESY	
barred by misconduct	('45:c.212,D-192)
See Dower and Curtesy, Community Property	

CUMULATIVE INDEX

	PAGE
DAIRIES	
cattle, tuberculin test.....	('45:c.104,A-22)
strikes affecting	('45:c.250,A-68)
DAMAGES	
airport zoning	('45:c.182,A-85,s.11)
auction law violations.....	('51:c.196,C-162) 415, 416
joinder in summary possession.....	('45:c.216,D-175)
limitation, see	('45:c.210,D-178)
limitation for right given under federal statute	
in action in territorial court.....	('45:c.174,D-177)
property of married couple, liability.....	('45:c.273,D-201,s.13)
pupils of industrial schools.....	('45:c.137,A-60)
rent paid during litigation.....	('45:c.251,D-174)
separate property	('45:c.273,D-201)
DANCE HALLS	
inspection of by probation officers.....	('49:c.159,D-246)
plans, approval of fire marshal.....	('45:c.166,C-150)
DART GAMES	
permitting unaccompanied minors to play.....	('45:c.36,C-139)
DEATH	
coroner's inquests	('49:c.355,D-260)
limitation of time to sue in personal actions	
not interrupted by.....	('45:c.210,D-178)
missing persons' act.....	('45:c.148,D-171)
registration of	('49:c.327,A-92)
See Vital Statistics	
DEBTS	
accounts receivable, assignment and notice...	('51:c.45,C-210) 516-521
DECEDENTS' ESTATES	
See Inheritance Tax, Probate	
appraiser's fees, §§ 5574, 5761.....	('45:c.37,A-108)
beneficiary's interest paid into court, when.....	('47:c.99,D-171)
burial indigents	('47:c.22,A-70)
community property	('45:c.273,D-201,s.15)
creditor's security	('47:c.98,D-170)
§ 12022	('45:c.273,D-201)
dower, curtesy, barred how.....	('45:c.212,D-192)
expense, inmate, Walmano home.....	('45:c.193,A-65)
fees, special services.....	('47:c.100,D-158)
partnership, continuance of.....	('45:c.215,D-187)
real estate sale, §§ 12026-28.....	('45:c.122,D-188)
small estates (\$1,500.00).....	('45:c.206,D-189)
non-resident, army, navy.....	('45:c.258,D-190)
temporary resident	('45:c.199,D-191)
DECLARATORY JUDGMENTS	
Jurisdiction, limitations	('45:c.74,D-172)
DECREES	
divorce and annulment, registration of.....	('51:c.62,A-65) 183, 184
free copies to veterans furnished in	
certain cases	('49:c.44,D-250)
quieting title, recording of.....	(Sp.'49:c.46,D-39)
DEDICATION OF HIGHWAYS	
acceptance of in subdivision mandatory.....	('49:c.74,B-171)
DEEDS	
registration of	
grantee's address required.....	('51:c.38,D-245) 595
See Registration of Conveyances, Community Property	

CUMULATIVE INDEX

	PAGE
DEFENSE ACT, ETC.	
civil defense law..... ('51:c.268,E-253)	606-636
See Civil Defense	
commercial rent control..... ('45:c.69,E-215,ss.16,17)	
compensation of certain employees..... ('49:c.349,E-308)	
expiration July 1, 1947..... ('47:c.20,E-191)	
Hawaii housing funds..... ('47:J.R.4,s.12)	
identification, rule 14, 146..... ('47:c.246,A-38)	
penalty for violating rules..... ('45:c.275,E-212,s.2)	
rule 74, re public employment..... ('47:J.R.16)	
rules 74 and 114, repealed..... ('49:c.298,A-19)	
rule 78 confirmed..... ('47:J.R.17)	
rules 88, 107, 113, 114 continued..... ('47:c.208,A-4,s.5)	
rule 137 ratified..... ('47:c.232,F-238)	
rule 141, vacations, etc. ('47:J.R.20)	
volunteers, injuries ('45:c.160,A-74)	
volunteers, medical hospital expense..... ('45:c.257,A-75)	
DEFICIENCY APPROPRIATION ACT	
for period ending June 30, 1951..... ('51:cc.17,1,F-275,F-276)	673-675
DELEGATE TO CONGRESS	
compensation of ('45:J.R.10)	
See also ('47:J.R.8)	
salary addition ('45:c.261,E-216)	
DELINQUENTS	
See Children, Dependent or Delinquent Children, Juvenile Court	
DENTAL HEALTH	
division of in board of health..... ('49:c.208,A-58)	
DENTAL HEALTH ADVISORY COMMITTEE	
appointment, powers and duties..... ('49:c.208,A-58)	
DENTAL HYGIENE	
examinations ('49:c.59,A-67)	
in schools, § 1721..... ('45:c.231,A-32)	
licenses, §§ 2182-83 ('45:c.118,A-44)	
DENTISTRY	
advertising, fraudulent ('47:c.170,A-47)	
advertising, limitation on size of signs..... ('49:c.177,A-66)	
application for license, fee, temporary license..... ('49:c.177,A-66)	
board of examiners:	
officers, meetings, quorum..... ('49:c.177,A-66)	
dental health division and advisory committee..... ('49:c.208,A-58)	
examination, time of..... ('47:c.170,A-47,s.4)	
examination for license..... ('49:c.177,A-66)	
examinations, scope ('45:c.118,A-44)	
fees, § 2157 ('47:c.170,A-47,s.3)	
felony, conviction of..... ('47:c.170,A-47)	
health board, member to be dentist..... ('49:c.208,A-58)	
hearings relating to licenses..... ('49:c.177,A-66)	
subpoena, power of board to issue..... ('49:c.177,A-66)	
hygienists, dental, examinations of..... ('49:c.59,A-67)	
Kauai dentist ('45:c.6,E-129)	
pharmacy act inapplicable, § 2901 (c)..... ('45:c.155,A-55)	
registration required in certain counties..... ('49:c.177,A-66)	
revocation, suspension, refusal, restoration	
of license ('49:c.177,A-66)	
temporary license ('49:c.177,A-66)	
temporary license ('47:c.170,A-47,s.4)	
treasurer of board..... ('47:c.170,A-47,s.2)	
DEPARTMENT OF LABOR	
See Labor	

CUMULATIVE INDEX

PAGE

DEPARTMENTAL REGULATIONS

bonds, condition on.....('45:c.205,A-13)
bonds of officers, premiums.....('47:c.198,A-15)
civillian employees of armed service returning
to government.....('45:c.114,A-15)
contracts, procedure.....('47:c.18,A-13)
See also.....('45:c.147,A-9)
copies, public records, fees.....('45:c.248,A-11)
destruction, county records.....('47:c.146,B-98)
fleet insurance, § 5874.....('47:c.245,A-94)
loyalty oath, administrators of.....('45:c.181,A-17)
See Civil Service
masters' fees.....('45:c.95,A-10)
public records, reproduction of.....('45:c.26,A-12)
re-employment after military service.....('45:c.184,A-14)
revenue bond projects.....('47:c.74,A-97)
salaries, absent on research.....('47:c.1,A-14)
salaries withheld, failure to file inventories.....('45:c.151,A-31,s.3)
travel expenses, territorial officials.....('49:c.322,A-11)
vacation credit.....('47:c.216,F-240)

DEPENDENT OR DELINQUENT CHILDREN

age limit.....('49:c.96,D-288)
care and custody of, restrictions on.....('49:c.300,D-293)
curfew law.....('49:c.279,D-286)
detention and release of children.....('49:c.89,D-294)
examination of by physicians, psychiatrists,
psychologists.....('49:c.331,D-295)
homes for, approval by public welfare
department.....('49:c.353,A-139)
procedure before juvenile court, generally..('49:cc.46,280,D-290,291)

DEPOSIT OF MONEYS

conditions, § 5851.....('45:c.119,A-115)
See Treasurer
counties, mainland depositories, § 6008.02.....('45:c.43,B-118)
depository contracts, § 5854.....('45:c.119,A-115)
mainland depositories, § 5803.....('45:c.59,A-113)
See Treasurer

DEPOSITIONS

foreign jurisdiction, to be used in.....('51:c.199,D-228) 565, 566

DESCENT OF PROPERTY

rule, generally.....('51:c.306,D-234) 577, 578
separate property of heir.....('45:c.273,D-201,ss.1,2)
See Community Property

DESERTION

effect on inheritance.....('45:c.212,D-192)

DESERTION AND NON-SUPPORT

penalty.....('51:c.257,D-237) 581, 582
penalty.....('49:c.383,D-282)
support, enforcement of, uniform law.....('51:c.216,D-238) 582-586
civil enforcement of rights.....('51:c.216,D-238) 583-585
criminal enforcement.....('51:c.216,D-238) 583
definitions.....('51:c.216,D-238) 582, 583
evidence of husband and wife.....('51:c.216,D-238) 585, 586
extent of duty to support.....('51:c.216,D-238) 583
extradition.....('51:c.216,D-238) 583
order of support.....('51:c.216,D-238) 584
purposes of law.....('51:c.216,D-238) 582
remedies in addition to existing remedies.('51:c.216,D-238) 583

DETENTION HOME

employees, buildings.....('45:c.35,D-162)

CUMULATIVE INDEX

	PAGE
DIPHtheria	
compulsory immunization	('45:c.171,A-49)
DISABLED PERSONS	
vocational rehabilitation of, provisions generally..	('49:c.219,A-56)
DISASTER RELIEF AGENCY	
advisory council	('49:c.320,E-305)
appropriations, 1951-1953	('51:c.313,F-274) 663
appropriations	(Sp.'50:c.3) 2
civil defense law	('51:c.263,E-253) 606-636
See Civil Defense	
compensation, rights, privileges, immunities	
of workers	('49:c.320,E-305)
county organizations	('49:c.320,E-305)
definitions	('49:c.320,E-305)
director, appointment, compensation, powers.....	('49:c.320,E-305)
additional powers	('49:c.320,E-305)
disaster relief agency, creation, director,	
duties, assistants	('49:c.320,E-305)
existing services and facilities, utilization of.....	('49:c.320,E-305)
gifts, grants and loans.....	('49:c.320,E-305)
law inoperative, when	('51:c.213,E-253) 643, 644
legislative declaration	('49:c.320,E-305)
mobile reserve units.....	('49:c.320,E-305)
DISEASES, INFECTIOUS, ETC.	
antitoxins, vaccines, etc.	('45:c.191,A-46)
See Health, Vaccination	
exemptions, vaccination, etc.	('45:c.171,A-49)
identification certificates, entries on for	
vaccination, etc.	('45:c.171,A-49)
under Defense Rules	
immunization, etc.	('47:c.165,A-51)
laundry from hospitals and sanatoria,	
regulations concerning	('49:c.22,A-68)
nurse to be free from, § 2773.....	('45:c.103,A-54)
smallpox vaccination	('45:c.171,A-49)
splitting prohibited where	('45:c.66,A-48)
syphilis, premarital examination.....	('45:c.136,D-197)
syphilis reports	('45:c.105,A-47)
tuberculosis examination	('47:c.79,A-50)
typhoid immunization	('45:c.171,A-49)
vaccination, immunization	('45:c.171,A-49)
DISORDERLY CONDUCT	
offense defined, penalty.....	('49:c.139,D-277)
DISPENSING OPTICIANS	
licensing of	('49:c.183,A-87)
See Opticians	
DISTRICT COURT AND MAGISTRATES	
absentee voters, Molokai, Lanai.....	('45:c.99,A-7)
appeal, frivolous in summary possession, fixing	
of bond	('45:c.192,D-176)
appeals from	('51:c.272,D-219) 554, 555
appointment, § 9671	('47:c.173,D-155)
bribery forfeitures, § 11075.04.....	('47:c.188,D-166)
clerk, Molokai	('47:c.26,D-157)
compensation of magistrates while on other	
temporary duty	('49:c.228,D-247)
costs, examination of judgment debtor, writ	
of possession	('45:c.55,D-160)
costs and fees, service of process, etc.	('49:c.387,D-252)
criminal jurisdiction	('47:c.231,D-156)
criminal procedure:	
arraignment and plea.....	('49:c.43,D-253)
copy of complaint to accused.....	('49:c.43,D-253)

CUMULATIVE INDEX

	PAGE
DISTRICT COURT AND MAGISTRATES—continued	
disqualification, absence, vacancy, temporary	
district magistrate	('49:c.228,D-247)
ejectment proceedings, jurisdiction.....	('49:c.315,D-248)
Hawaii county, salaries.....	('51:c.282,D-226) 563
military legal officers, right to appear in	
traffic cases	(Sp.'49:c.38,D-37)
motor vehicle registration, appeal	
from treasurer	('51:c.237,C-176) 431, 432
powers, signatures, clerks.....	('45:c.80,D-156)
powers of	('51:c.278,D-221) 557
riots and dispersion thereof, penalty.....	('49:c.62,D-268)
salary adjustment	('47:c.208,A-4,s.2)
small claims procedure, amount.....	('49:c.259,D-254)
summary proceedings by landlord, notice to	
vacate	('49:c.39,D-256)
tax jurisdiction	('47:c.113,A-85,s.9)
temporary district magistrate, designation,	
compensation of	('49:c.228,D-247)
tubercular persons, compulsory isolation,	
hospitalization of	('49:c.307,A-71)
unclaimed evidence, disposition of.....	('49:c.182,D-259)
unclaimed property, retained as evidence when...	('49:c.319,B-165)
DIVIDENDS	
See Corporations, Taxation	
definition for tax purposes.....	('45:c.121,A-101)
See Community Property Law	
escheat of, unclaimed.....	('47:c.127,D-162)
DIVORCE	
adultery, etc., of husband wife's property, § 12233..	('45:c.273,D-201)
contracts by wife, § 12366.....	('45:c.5,D-198)
costs	('51:c.287,D-236) 580
declaratory judgment barred.....	('45:c.74,D-172)
decree, registration of.....	('51:c.62,A-65) 183, 184
dower barred	('45:c.212,D-192)
effect on inheritance.....	('45:c.212,D-192)
grievous mental suffering as ground for.....	('49:c.174,D-281)
grounds for	('51:c.287,D-236) 580
Hansen's disease sufferers	
support after decree of divorce.....	('51:c.287,D-236) 580, 581
injunctions	('47:c.122,D-173)
insane libellee, guardian ad litem for.....	('51:c.287,D-236) 580
insane persons, support of spouse	
after divorce	('51:c.287,D-236) 580, 581
insanity, defined, when ground for.....	('51:c.287,D-236) 580
marriage, divorced persons.....	('47:c.83,D-182)
minors, no guardian.....	('47:c.78,D-184)
names, change of, § 12387.....	('45:c.145,D-200)
property division	('45:c.273,D-201,s.14)
veterans, copies of decrees to be furnished free....	('49:c.44,D-250)
DOCUMENTARY EVIDENCE	
See Evidence, Public Documents	
DOGS	
cat and dog fund.....	('47:J.R.6)
feed stuffs regulated.....	('47:c.84,A-36)
guide for blind on carrier.....	('45:c.265,A-83)
landing of diseased.....	('47:c.177,A-28)
DOMESTIC RELATIONS	
See Courts, Juvenile Court	
DOMICILE	
property rights affected.....	('45:c.273,D-201,s.17)

CUMULATIVE INDEX

DOWNER AND CURTESY

PAGE

- community property, none in.....('45:c.273,D-201)
- curtesy, community, § 12115.....('45:c.273,D-201)
- divorce or misconduct bars.....('45:c.212,D-192)
- determination by court.....('45:c.212,D-192)
- § 12100, re-written under.....('45:c.273,D-201)

DRAINAGE

See County Government, Flood Control, Soil Conservation

DRIVER'S LICENSE

- general provisions governing issuance.....(Sp.'49:c.35,C-31)
- See Motor Vehicles

DRUG STORES

See Pharmacists, Pharmacy

- license of pharmacist.....('45:c.155,A-55)
- regulation of.....('49:c.175,A-89)

DRUGGISTS

- regulation of.....('49:c.175,A-89)
- See Pharmacists, Pharmacy

DRUGS

- antitoxins, vaccines, etc.('45:c.191,A-46)
- driving while under influence of, penalty.....('49:c.283,D-275)
- economic poisons('45:c.60,A-24)
- habit-forming, sale to minors, penalty.....('51:c.145,D-230) 571
- household remedies, sale, § 2901 (c).....('45:c.155,A-55)
- narcotic drugs, definitions.....('49:c.9,A-84)
- narcotics, sale to minors, penalty.....('51:c.145,D-230) 571
- patent, etc., medicines, § 2901 (c).....('45:c.155,A-55)
- persons habituated to excessive use,
- hospitalization of.....('49:c.337,A-104)
- pharmacist to be licensed.....('45:c.155,A-55)
- pharmacists, pharmacy, regulation of.....('49:c.175,A-89)
- pharmacy violations, § 2902.....('45:c.155,A-55)
- poisons (See that topic)

DRUGS, NARCOTIC, UNIFORM ACT

- definitions('49:c.9,A-84)

DRUNK DRIVING

- prohibited, penalty('49:c.283,D-275)
- evidence of intoxication.....('49:c.283,D-275)

DWELLING PLACE OR RESIDENCE

- picketing of unlawful, penalty.....(Sp.'49:c.8,D-44)

DYERS

- lien, enforcement, redemption.....('45:c.188,C-151)

EARTHQUAKES

- disaster relief act.....('49:c.320,E-805)

ECONOMIC POISONS

- chemist('45:c.60,A-24,ss.3-4)
- fee for registering.....('51:c.57,A-32) 111
- fee for registering.....('45:c.60,A-24,s.8)
- hearings('45:c.60,A-24,s.8)
- inspectors, duties, etc.('49:c.136,A-35)
- inspectors, duties, etc.('45:c.60,A-24,s.3)
- labels('45:c.60,A-24,ss.3,7)
- penalty, violating rules.....('45:c.60,A-24,s.9)
- registration('45:c.60,A-24,s.8)
- regulations, agriculture-forestry.....('45:c.60,A-24)
- sales('45:c.60,A-24,ss.5,6)

CUMULATIVE INDEX

EDUCATION	PAGE
adult, expenses	('45:c.108,A-38,s.4)
adult courses	('45:c.108,A-38)
appropriations, 1951-1953	('51:c.318,F-274) 670
attendance, enforcement	('45:c.156,A-36)
beautician schools, § 2053	('47:c.238,A-45)
birds, fish, etc., permits to take for scientific, propagation purposes	('45:c.14,A-21)
blind, exempt university tuition	('47:c.62,A-41)
blind, vocational training	('45:c.126,A-82)
buildings	('47:c.205,F-209)
Hawaii county	('47:c.111,A-811)
bus operators, school, regulation of	('51:c.254,C-173) 429
busses, operators	('45:c.110,C-142)
cafeteria managers	('51:c.325,A-45) 144, 145
Camp Banyan, recreational area	('47:J.R.11)
children, immunization, etc.	('45:c.171,A-49)
children and youth commission, superintendent member of	('49:c.294,D-287)
council, adult education	('45:c.108,A-33,s.3)
dental hygiene, § 1721	('45:c.231,A-32)
dental hygienists	('45:c.118,A-44)
district superintendents	('49:c.339,A-51)
(term replacing supervising principals)	
division of special education, personnel	('49:c.29,A-54)
English standard	('45:c.126,A-34)
English standard, all schools to be	('49:c.227,A-53)
exceptional children, special education and department's duty toward exceptional children	('49:c.29,A-54)
facilities, standards, rules, etc.	('49:c.29,A-54)
facilities for	('49:c.29,A-54)
physiotherapy and occupational therapy for	('51:J.R.32) 754, 755
training and care of	('51:J.R.31) 753, 754
expenses, advisory board of vocational education	('45:c.219,A-38,s.2)
federal-aid, vocational training	('45:c.117,A-39)
fees, adult education	('45:c.108,A-33,s.4)
fees, special fund for breakage, etc.	('49:c.227,A-53)
foreign language schools	('49:c.72,A-55)
definitions	('49:c.72,A-55)
enforcement of law by injunction	('49:c.72,A-55)
pupils, requirements for	('49:c.72,A-55)
schools, requirements for	('49:c.72,A-55)
visitation by education authorities	('49:c.72,A-55)
games, bribery	('47:c.186,D-167)
gymnasium, Kapaa, Kauai	('47:c.41,E-195)
Hawaii county	('47:c.111,A-81)
Honolulu board of parks and recreation	('45:c.237,B-137)
See Parks and Recreation	
Honolulu bond issue for public schools	('51:c.288,D-265) 651-653
Honolulu truant officers section repealed	('45:c.156,A-36)
inventories to auditor, § 1651	('45:c.151,A-31)
Kalapana school, reopening of for first three grades	('49:c.123,F-370)
Kamehameha III school, Lahaina	('45:c.245,F-230)
Kaumana school park	('47:c.102,F-227)
kindergartens	('47:c.203,F-206)
kindergartens, establishment and maintenance of	('49:c.48,A-52)
loan fund 1947	('47:c.205,F-209)
loan fund act of 1949	('49:c.400,E-325)
McKinley school, veteran, fund	('47:c.65,F-222)
McKinley veterans school fund	('49:c.234,F-373)
mental hygiene clinic	('47:c.55,A-54)
pre-school age	('47:c.224,A-40)
private schools, revocation of permit	('45:c.227,A-35)
recreational facilities, Honolulu	('47:c.120,B-128)
religious education	('45:c.21,A-37)
reserve officers training corps	('51:J.R.21) 742, 743
salaries	('51:c.325,A-45) 139-144
cafeteria managers	('51:c.325,A-45) 144, 145
change of classification	('51:c.325,A-45) 141

CUMULATIVE INDEX

	PAGE
EDUCATION—continued	
salaries—continued	
classification ('51:c.325,A-45)	139
classification of other officers	
and employees ('51:c.325,A-45)	142
definitions ('51:c.325,A-45)	139
department, control of ('51:c.325,A-45)	142
increase in salary ratings ('51:c.325,A-45)	142
minimum ('51:c.325,A-45)	142
schedule ('51:c.325,A-45)	140, 141
vocational and special teachers ('51:c.325,A-45)	141, 142
salaries, district superintendents ('49:c.339,A-51)	
school plans, approval by fire marshal ('45:c.166,C-150)	
standard schools, all public to be ('49:c.227,A-53)	
standard sections, elementary schools ('45:c.126,A-34)	
surplus property, purchase of ('51:c.289,A-14)	68, 69
teachers:	
certificates, qualifications ('49:c.68,A-50)	
dismissal, trial ('49:c.68,A-50)	
intern period ('49:c.68,A-50)	
leaves of absence, pay ('51:c.5,4,A-43,A-44)	137, 138
salaries ('51:c.325,A-45)	139-144
teachers' associations, election to determine	
official association (Sp.'49:c.5,A-2)	
teachers' bonus ('47:c.208,A-4,s.3)	
base pay increased; bonus ('47:c.208,A-4)	
new positions ('47:c.203,F-206)	
religious instruction by ('45:c.21,A-37)	
truancy, enforcement ('45:c.156,A-36)	
university, regents, etc. ('45:c.135,A-40)	
university housing ('47:c.141,A-42)	
vaccination of school children ('51:c.181,A-55)	159
vocational, adult ('45:c.108,A-33,s.5)	
advisory board ('45:c.219,A-38)	
blind ('45:c.125,A-82)	
blind, rehabilitation of ('47:c.108,A-71)	
education plan ('45:c.117,A-39)	
vocational rehabilitation of disabled persons ('49:c.219,A-56)	
vocational training	
Lahainaluna high school ('51:c.41,A-47)	145, 146
Waimea school, expansion of facilities ('49:c.295,F-371)	
Washington Intermediate school, lighting	
of grounds ('49:c.138,F-372)	
welfare, educational leave ('45:c.157,A-79)	
EGRESS OR INGRESS	
obstruction of, penalty (Sp.'49:c.9,D-43)	
EJECTMENT	
appeals, frivolous ('45:c.192,D-176)	
commercial rent control ('45:c.69,E-215,s.11)	
district courts, jurisdiction of ('49:c.315,D-248)	
Hawaii housing authority tenants ('49:c.384,A-95)	
rent paid, as damages ('45:c.251,D-174)	
ELECTION INSPECTORS	
number, appointment, filling of vacancies (Sp.'49:c.12,A-3)	
ELECTIONS	
absentee voters ('51:c.263,A-5)	49, 50
absentee voters ('49:c.158,A-6)	
absentee voters ('45:c.99,A-7)	
additional voting booths or units,	
establishing of ('51:c.309,A-4)	48
assistance, disabled voter ('47:c.155,A-9)	
assistance, voter confined to home ('47:c.242,A-10)	
clerks, § 197 ('45:c.244,A-5,s.2)	
Also see ('45:c.81,A-6,s.1)	

CUMULATIVE INDEX

ELECTIONS—continued

PAGE

clerks to assist election inspectors.....	('49:c.399,A-5)	
closed primary law.....	('49:c.51,A-8)	
constitutional convention	('49:c.334,E-313)	
county, ballots, destroying, §§ 6220, 6559.....	('45:c.236,B-123)	
election inspectors, appointments to fill vacancies..	(Sp.'49:c.12,A-3)	
election inspectors, board of.....	('49:c.399,A-5)	
clerks to assist board.....	('49:c.399,A-5)	
expenses	('51:c.308,A-6)	50, 51
expenses, statements	('47:c.159,A-8)	
expenses, § 247	('45:c.81,A-6,s.2)	
inspectors, clerk, etc.	('47:c.156,A-6)	
also	('47:c.154,A-7)	
also	('45:c.244,A-5,s.1)	
instruction cards at polls.....	('47:c.159,A-8)	
labor representatives	('45:c.250,A-68,s.7)	
loyalty board orders, effect of.....	('51:c.256,A-20)	92
official register of voters	('49:c.309,A-4)	
political parties, list of officers to be furnished	('51:c.310,A-7)	51
primary, closed	('49:c.51,A-8)	
primary: nomination papers.....	('47:c.152,A-11)	
registration of voters.....	('47:c.151,A-5)	
special, Honolulu	('47:c.131,B-118)	
voter, disabled, assistance of.....	('47:c.155,A-9)	
voters ill or confined home.....	('47:c.242,A-10)	
voting booths or units, establishment of.....	('51:c.309,A-4)	48
voting booths or units, establishment of.....	('49:c.399,A-5)	
voting machines	('49:c.318,A-7)	
adoption of types of machines.....	('49:c.318,A-7)	
appropriation	('49:c.318,A-7)	
ballots, diagrams, sample ballots.....	('49:c.318,A-7)	
canvass of vote.....	('49:c.318,A-7)	
clerks, assistants	('49:c.318,A-7)	
closing of machines, results.....	('49:c.318,A-7)	
definitions	('49:c.318,A-7)	
election inspectors, clerks, watchers.....	('49:c.318,A-7)	
experimental use of machines.....	('49:c.318,A-7)	
Honolulu clerk, member of board.....	('49:c.318,A-7)	
inspectors of elections where machines used.....	('49:c.318,A-7)	
installation of machines.....	('49:c.318,A-7)	
instruction and assistance at polls.....	('49:c.318,A-7)	
instruction of election inspectors.....	('49:c.318,A-7)	
instruction of voters before election.....	('49:c.318,A-7)	
irregular ballots, voting by.....	('49:c.318,A-7)	
location of machines.....	('49:c.318,A-7)	
machines authorized	('49:c.318,A-7)	
opening and closing of polls.....	('49:c.318,A-7)	
other election laws applicable.....	('49:c.318,A-7)	
penalties	('49:c.318,A-7)	
preparation of machines.....	('49:c.318,A-7)	
public works superintendent, member of board....	('49:c.318,A-7)	
repair of machines, use of paper ballots.....	('49:c.318,A-7)	
requirements, specifications of machines.....	('49:c.318,A-7)	
results, proclamation of.....	('49:c.318,A-7)	
rules and regulations.....	('49:c.318,A-7)	
secretary of Hawaii, member of board.....	('49:c.318,A-7)	
time allowed voters.....	('49:c.318,A-7)	
voting machine board, appointment, duties.....	('49:c.318,A-7)	

ELECTIONS, PRIMARY

closed primary election.....	('49:c.51,A-8)
counting votes, returns.....	('49:c.51,A-8)
official ballots	('49:c.51,A-8)
result of election.....	('49:c.51,A-8)
voting	('49:c.51,A-8)

ELECTRIC LIGHT AND POWER

See Franchises

ELEEMOSYNARY CORPORATIONS

provisions, generally	('51:c.118,C-198)	475
-----------------------------	-------------------	-----

CUMULATIVE INDEX

	PAGE
EMBEZZLEMENT	
co-owner, partner, by.....('45:c.63,D-181)	
tax moneys('47:c.113,A-85)	
EMERGENCY	
civil defense law('51:c.268,E-253)	606-636
See Civil Defense	
disaster relief act.....('49:c.320,E-305)	
governor's powers in case of.....(Sp.'49:c.21,A-5)	
EMERGENCY RESERVE FUND	
Honolulu('49:c.160,B-203)	
EMIGRANT AGENTS	
bond	
action for breach of.....('51:c.106,A-77)	203
amount, conditions('51:c.106,A-77)	202
bonds, approved by director.....('51:c.106,A-77)	203
definitions, exemptions('51:c.106,A-77)	200, 201
labor department law applicable.....('51:c.106,A-77)	204
license, application for.....('51:c.106,A-77)	201, 202
appeals('51:c.106,A-77)	204
cancellation or suspension of.....('51:c.106,A-77)	204
conditions of('51:c.106,A-77)	201, 202
term, renewal('51:c.106,A-77)	203
minors, recruiting of.....('51:c.106,A-77)	203
penalty for violations.....('51:c.106,A-77)	203, 204
reports to be made by.....('51:c.106,A-77)	203
EMINENT DOMAIN	
abandonment or dismissal of proceedings,	
damages('51:c.12,A-8)	56, 57
aeronautics commission('47:c.32,A-75)	
air rights, acquisition.....('45:c.182,A-85,s.13)	
airport zoning compensation.....('45:c.182,A-85,s.11)	
appeal, possession pending.....('51:c.12,A-8)	59, 60
attorney general may institute.....('47:c.200,A-12)	
costs and damages, recoverable when.....('51:c.12,A-8)	55
counties, powers of.....('51:c.96,B-131)	322, 323
counties, power to exercise.....('51:c.12,A-8)	54, 55
counties, proceedings by.....('51:c.12,A-8)	61
damages	
based on entry and survey.....('51:c.12,A-8)	54
upon abandonment or dismissal of	
proceedings('51:c.12,A-8)	56, 57
damages, airport zoning.....('45:c.182,A-85,s.11)	
damages, benefits('47:c.145,B-127)	
damages assessed, how.....('47:c.200,A-12)	
definitions('51:c.12,A-8)	52
departmental power('47:c.74,A-97,s.5933)	
dispute between University and Honolulu.....('47:J.R.13)	
easements, power to take.....('51:c.12,A-8)	53
entry and survey before taking.....('51:c.12,A-8)	54
excess property, disposition of.....('51:c.12,A-8)	52, 53
excess remnants, disposal.....('45:c.185,A-8)	
fee simple or lesser estate may be acquired....('51:c.12,A-8)	53
fishery, possession of.....('47:c.200,A-12)	
forest reserve areas for water development.....('49:c.274,A-46)	
gift property, reconveyance, Honolulu.....('45:c.97,B-132)	
Hawaii housing('47:J.R.4,s.17)	
Honolulu, off-street parking.....('45:c.225,B-134)	
interest, allowed when('51:c.12,A-8)	57-60
	815

CUMULATIVE INDEX

	PAGE
EMINENT DOMAIN—continued	
interest, payment of.....('51:c.12,A-8)	59, 60
interlocutory appeal.....('51:c.12,A-8)	60
issues, trying of.....('47:c.200,A-12)	
judgment, payment of.....('51:c.12,A-8)	55
Kauai county waterworks board.....('51:c.152,B-148)	367, 368
order of possession, motion, bond, procedure.....('51:c.12,A-8)	57-60
plaintiff.....('47:c.200,A-12)	
plaintiff, who may act as.....('51:c.12,A-8)	54, 55
possession obtained how.....('47:c.200,A-12)	
possession pending action, how obtained.....('51:c.12,A-8)	57-60
private property for public use, taking of.....('51:c.12,A-8)	52, 53
property, what may be taken.....('51:c.12,A-8)	53
public property, special proceedings relating to.....('49:c.377,A-9)	
circuit judges at chambers, jurisdiction, powers.....('49:c.377,A-9)	
consolidation of proceedings.....('49:c.377,A-9)	
definitions.....('49:c.377,A-9)	
eminent domain law applicable.....('49:c.377,A-9)	
proceedings authorized.....('49:c.377,A-9)	
property in public use, necessity of purpose.....('49:c.377,A-9)	
public utilities, power of.....('51:c.12,A-8)	53
railroads.....('51:c.12,A-8)	60, 61
remnants, disposal.....('45:c.185,A-8)	
superior public use.....('51:c.12,A-8)	53, 54
university lands.....('45:c.168,F-240)	
urban redevelopment agencies.....('51:c.244,B-133)	328, 329
Wahiawa Water Co.....('47:c.237,E-193,s.13)	
Waikiki beach property.....('45:c.141,B-133)	
EMPLOYEES RETIREMENT SYSTEM	
See Retirement System	
EMPLOYER AND EMPLOYEES	
See Government Employees	
accident prevention.....('47:c.81,A-68)	
apprenticeship.....('45:c.22,A-87)	
See that topic	
child labor.....('47:c.49,A-61)	
§ 4122, repealed.....('45:c.9,A-66)	
children, certificate.....('45:c.9,A-66)	
definition of employee.....('45:c.15,A-71)	
election to provide compensation.....('45:c.10,A-73)	
elections, bargaining unit.....('45:c.250,A-68,s.7)	
employee defined under wage and hour law.....('49:c.292,A-113)	
employment relations act.....('45:c.250,A-68)	
employment security (formerly unemployment compensation) See Employment Security	
failure to pay wages.....('45:c.11,A-72)	
federal, compensation tax, refund when.....('45:c.208,A-102)	
financial report of representative.....('45:c.250,A-68,s.10)	
industrial safety bureau, fees.....('49:c.133,A-114)	
labor disputes, public utilities.....('47:c.53,A-62)	
leave, government.....('45:c.176,A-16)	
leper patients.....('45:c.229,A-51)	
liability to employee.....('45:c.15,A-71)	
listing of organization.....('45:c.250,A-68,s.14)	
pensions by corporations.....('47:c.104,C-138)	
public utilities, settlement of labor disputes.....('49:c.146,A-109)	
See Labor Disputes, Public Utilities	
re-employment, government.....('45:c.184,A-14)	
See.....('45:c.114,A-15)	
report of accidents, penalty, § 4449.....('45:c.10,A-73)	
retirement, government.....('45:c.25,A-20)	
rights, employment relations.....('45:c.250,A-68,ss.6,7)	
safety devices.....('47:c.64,A-65)	
seasonal pursuit.....('45:c.179,A-70)	

CUMULATIVE INDEX

EMPLOYER AND EMPLOYEES—continued

PAGE

stevedoring industry, settlement of	
labor disputes	(Sp.'49:c.62,A-15)
See Labor Disputes, Stevedoring Industry	
strikes, public utilities.....	('47:c.53,A-62)
unemployment compensation	('45:c.19,A-69)
See Employment Security	
unfair labor practices.....	('45:c.250,A-68,s.8)
prevention of	('45:c.250,A-68,s.9)
wage-hour law	('45:c.15,A-71)
wages, payment, penalty.....	('45:c.11,A-72)
wages, payment of	('51:c.296,A-85)
wages, unemployment	('47:c.3,A-64)
workmen's compensation	('45:c.10,A-73)
See that topic	

227, 228

EMPLOYER ORGANIZATIONS

suits by and against, service of process.....	(Sp.'49:c.4,D-38)
judgment, enforcement of	(Sp.'49:c.4,D-38)

EMPLOYMENT SECURITY

benefits, disqualification for	(Sp.'49:c.13,A-16)	
falsely obtained, penalty.....	('51:c.195,A-79)	218, 226
military service, after termination of....	('51:c.197,A-81)	221-223
benefits, non-charging	('49:c.316,A-111)	
benefits, weekly schedule, § 4215.....	('45:c.19,A-69)	
charges for separations and benefits.....	('51:c.195,A-79)	217
contribution rates	('51:c.195,A-79)	218
contributions:		
charges for separation and benefits.....	('49:c.316,A-111)	
collection of	('49:c.77,A-112)	
credits for	('49:c.316,A-111)	
defined	('49:c.316,A-111)	
payment of	('51:c.191,A-80)	220, 221
penalty for delinquency.....	('51:c.123,A-83)	226, 227
redetermination of rates, review, payment.....	('49:c.316,A-111)	
relation of credits to charges.....	('49:c.316,A-111)	
wages not included.....	('51:c.191,A-80)	220, 221
credits, relating to charges, § 4252.....	('45:c.19,A-69)	
definitions		
"base period"	('51:c.195,A-79)	213
"military service," "servicemen".....	('51:c.197,A-81)	222
"seasonal pursuit"	('51:c.33,A-82)	224, 225
disqualification for benefits	('51:c.195,A-79)	214
employment, American vessel	('47:c.75,A-63)	
excluded service	('51:c.195,191,A-79,A-80)	213-219
"excluded service"		
exemption of certain eleemosynary associations,		
§ 4208, (I) deleted.....	('45:c.19,A-69)	
members of religious orders, etc.	('45:c.19,A-69)	
military service, persons called into.....	('51:c.197,A-81)	222, 223
payment of contributions.....	('51:c.191,A-80)	220, 221
penalties for violation.....	('51:c.195,A-79)	218
rates of an employer, § 4253.....	('45:c.19,A-69)	
relation of credits to charges.....	('51:c.195,A-79)	217
rules and regulations.....	('51:c.195,A-79)	218
seasonal pursuit, § 4226.....	('45:c.179,A-70)	
seasonal workers	('51:c.33,A-82)	224, 225
service, American vessel.....	('47:c.75,A-63)	
title of law.....	('49:c.76,A-110)	
trainee, definition, § 4219.....	('45:c.19,A-69)	
voluntary contributions	('49:c.316,A-111)	
wages		
excluded payments	('51:c.191,A-80)	219, 220
wages defined	('47:c.3,A-64)	
weekly benefit for unemployment.....	('51:c.195,A-79)	214-217
weekly benefit schedule.....	('45:c.19,A-69)	

CUMULATIVE INDEX

PAGE

ENGINEERS, ARCHITECTS, SURVEYORS

- application for registration, certificates,
fees, renewal ('49:c.306,C-226)
- board of registration..... ('49:c.306,C-226)

ENGLISH STANDARD SCHOOLS

- public schools to be raised to..... ('49:c.227,A-53)
- standard sections ('45:c.126,A-84)

ENTIRETY, TENANCY BY

- banks, safe deposit, trust companies, duties
re inheritance tax, § 6673..... ('45:c.262,A-107)
- See Co-Tenancy, Joint Tenants
- community property ('45:c.273,D-201,s.6)
- inheritance tax, § 5553..... ('45:c.262,A-107)

EPIDEMIC DISEASES

See Diseases

EPILEPTICS

- home for ('49:c.391,A-106)
- transfer to Walmán home..... ('45:c.165,A-64)

EQUAL RIGHTS

- repealed; statehood comm. ('47:c.115,F-217)

EQUITY

See Courts, Injunctions

- accounts of trustees, guardians..... ('45:c.186,D-204)
- attorneys, master fees..... ('45:c.95,A-10)
- community property, incapacity of spouse.... ('45:c.273,D-201,s.11)
- guardian's sale of real property..... ('45:c.211,D-203)
- injunction proceedings, stevedoring industry
labor disputes (Sp.'49:c.62,A-15)
- injunctions:
agricultural commodities ('45:c.252,A-29,s.2)
- divorce ('47:c.122,D-173)
- fraud re U.S. goods..... ('45:c.214,C-152)
- nuisances, proceedings to enjoin..... ('49:c.40,D-263)
- powers, release of..... ('47:c.126,C-151)
- receiver, university project..... ('47:c.141,A-42)
- receiver for revenue bond projects, § 5985..... ('47:c.74,A-97)
- specific performance for endorsement of
stock certificate, when..... ('47:c.124,C-136,s.9)
- strikes against government, jurisdiction to enjoin. (Sp.'49:c.42,A-9)
- tax lien foreclosure, § 5167..... ('45:c.220,A-98,s.1)

ESCHEAT

- dividends, unclaimed ('47:c.127,D-162)
- funds distributed to unfound beneficiaries..... ('49:c.395,D-280)
- industrial school pupils inactive accounts..... ('45:c.65,A-59)
- laundry lien proceeds..... ('45:c.188,C-151,s.3)
- small estates ('49:c.395,D-280)
- unclaimed bail money..... ('49:c.323,D-257)
- unclaimed moneys in courts..... ('49:c.396,D-255)

ESTATES

- community property ('45:c.273,D-201)
- See Decedent Estates, Probate
- guardian's sale ('45:c.211,D-203)
- See Guardians, Fiduciaries
- non-resident servicemen ('45:c.258,D-190)
- non-residents generally ('45:c.199,D-191)
- probate, sale of real property..... ('45:c.122,D-188)
- small, administration ('45:c.206,D-189)
- taxes, amendments to..... ('45:c.262,A-107)
- See 1947 Supplement

CUMULATIVE INDEX

PAGE

EVICITION

- See Landlord and Tenant, Summary Possession
- housing authority tenants.....('49:c.384,A-95)
- of tenant committing nuisance.....('49:c.40,D-263)

EVIDENCE

- acknowledgments outside U.S.....('47:c.86,D-188)
- See('45:c.53,D-208)
- agricultural commodities, certificates of inspection,
presumption of facts.....('45:c.252,A-29,s.9)
- business records, photographic
reproductions of('51:c.104,D-229) 567
- death, proof of under missing persons act.....('45:c.148,D-171)
- depositions, to be used in foreign
jurisdiction('51:c.199,D-228) 565, 566
- documentary, facsimile copies, § 9883.....('45:c.17,D-168)
- See Archives, Public Documents
- examination of adverse party.....('45:c.183,D-167)
- fees for copies of archives.....('45:c.109,D-170)
- flour enrichment, absence of, refusal to give
sample('45:c.101,A-45,s.5)
- fraudulent commercial paper, evidence
of intent('51:c.303,D-231) 572
- husband and wife, privilege not applicable
to support cases.....('51:c.216,D-238) 585, 586
- intoxication in drunk driving cases.....('49:c.283,D-275)
- judicial notice of ordinances.....('45:c.195,D-169)
- labor hearings('45:c.250,A-68,s.9)
- missing persons act.....('45:c.148,D-171)
- official notice of death.....('45:c.148,D-171)
- photographic reproductions, uniform act....('51:c.104,D-229) 567, 568
- presumption, community('45:c.273,D-201)
- presumption, findings of chemist analyzing
economic poison('45:c.60,A-24,s.3)
- public health records.....('49:c.327,A-92)
- public welfare records.....('51:c.226,A-94) 243, 244
- records, business and public, photographic
reproductions of('51:c.104,D-229) 567
- reports and findings under motor vehicle safety
responsibility act, not admissible.....('49:c.393,C-224)
- reproductions, films, etc.('45:c.26,A-12)
- signatures of territorial officers.....('45:c.84,D-207)
- translations of Hawaiian records.....('45:c.54,D-209)
- unclaimed, disposition of by chief of police.....('49:c.182,D-259)
- vital statistics, records of.....('49:c.327,A-92)
- See Vital Statistics
- witness fees, § 9827.....('45:c.38,D-166)
- workmen's compensation, payments under,
not admissible('51:c.194,A-86) 229, 230

EXCISE TAX

See Taxation

EXECUTION

- bond for expenses.....('45:c.132,D-173)
- See Attachment
- insurance, exempt when.....('45:c.204,C-149)
- motor vehicles, recording of.....('49:c.164,C-216)
- warehouse receipts, goods covered by.....('51:c.39,C-218) 545

EXECUTIVE

See Governor

EXECUTORS AND ADMINISTRATORS

- attorneys' fees('51:c.167,D-224) 562
- banks, etc. duties re inheritance tax, in joint
tenancies, etc., § 5573.....('45:c.262,A-107)

CUMULATIVE INDEX

	PAGE
EXECUTORS AND ADMINISTRATORS—continued	
beneficiary unfound, payment into court.....	('47:c.99,D-171)
community property	('45:c.273,D-201,s.15)
conservator, absentee's property.....	('45:c.30,D-202)
creditor's security	('47:c.93,D-170)
§ 12022	('45:c.273,D-201)
descent of property	('51:c.306,D-234) 577, 578
dower, curtesy, barred how.....	('45:c.212,D-192)
escheat of funds of unfound beneficiaries.....	('49:c.395,D-280)
expense, inmate, Waimano home.....	('45:c.193,A-85)
fees, special services, § 9757.....	('47:c.100,D-153)
fees and expenses, allowance of.....	('51:c.170,D-223) 559-562
fiduciary powers, restrictions.....	('45:c.197,c.148)
See Fiduciaries	
inheritance tax, payment, § 5567.....	('45:c.262,A-107)
investments	
Hawaii housing authority bonds.....	('51:c.134,A-66) 186, 187
partnership, continuance of.....	('45:c.215,D-187)
pension, voting stock.....	('47:c.105,C-139)
real estate, sale, §§ 12026-28.....	('45:c.122,D-155)
small estates, administration of.....	('49:c.395,D-280)
stock transfers	('47:c.124,C-136)
EXEMPTIONS	
See Taxation	
EXPENDITURE OF PUBLIC MONEY	
bonds of officers.....	('47:c.198,A-15)
contracts, bids, procedure.....	('51:cc.227,78,A-9,10) 62-64
contracts, procedure	('47:c.18,A-13)
See	('45:c.147,A-9)
county police funds.....	('47:c.212,B-106)
destruction of vouchers, counties.....	('47:c.146,B-98)
harbor funds	('47:c.72,A-78,ss.3,4,5)
Hawaii: for equipment.....	('47:c.144,B-111)
homestead roads, etc.	('47:c.107,A-63)
Honolulu: fund balances.....	('47:c.166,B-122)
hospital fund, Honokaa.....	('47:c.133,F-229)
investment by treasurer.....	('45:c.59,A-113)
leave, cash in lieu of.....	('45:c.176,A-16)
procedure, § 351	('47:c.18,A-13)
surplus property purchase fund.....	('45:c.207,F-248)
university projects, § 1991.02.....	('47:c.141,A-42)
university regents, agent of.....	('45:c.135,A-40)
vocational advisory board.....	('45:c.219,A-38)
EXPLOSIVES	
regulation of	('51:c.101,A-105) 257, 258
EXPORTS	
fruits, vegetables, nuts, regulation of.....	(Sp.'49:c.56,A-12)
fruits, vegetables, nuts, regulation of.....	('49:c.117,A-42)
Industrial research advisory council, duties	
re agricultural produce.....	('49:c.122,A-43)
EXTRADITION	
non-support cases	('51:c.216,D-238) 583
EYEGLASSES	
sale of regulated.....	('49:c.183,A-87)
FACSIMILE COPIES	
See Evidence	
evidence when	('45:c.17,D-168)
See Archives, Evidence, Photograph, etc.,	
Public Records	

CUMULATIVE INDEX

	PAGE
FACTORIES	
plans, approval of fire marshal.....('45:c.166,C-150)	
FAILURE TO PROVIDE	
support, enforcement of, uniform law.....('51:c.216,D-238)	582-586
See Desertion and Non-Support	
FAIR COMMISSION	
refund of payments, repealed.....('49:c.239,F-399)	
FAIR TRADE	
liquor sales.....('49:c.301,C-212)	
regulations.....('45:c.214,C-152)	
FALSE ADVERTISING	
chiropractor.....('47:c.94,A-46)	
dentist.....('47:c.170,A-47)	
food grades, labels.....('47:c.195,A-35)	
U.S. goods.....('45:c.214,C-152)	
FALSE PRETENSES	
obtaining money, etc., by, punishable as larceny...('49:c.78,D-264)	
FALSE REPORT OF CRIME	
representation to police.....('45:c.49,D-182)	
FARM ADVISORY BOARD	
appointment, powers, duties, etc.('49:c.235,A-31)	
FARM LOAN BOARD	
emergency loans authorized.....('51:c.238,F-311)	704
investments in loans secured under Bankhead-Jones	
Farm Tenant Act.....('49:c.340,C-233)	
FARM PRODUCE	
dealers in, regulation of.....('49:c.114,A-41)	
See Agricultural Products	
export of, duties of industrial research	
advisory council.....('49:c.122,A-43)	
fruits, vegetables, nuts, exports of regulated.....('49:c.117,A-42)	
weed control, regulations.....('49:c.357,A-45)	
FARMING ASSOCIATIONS	
cooperatives.....('49:c.234,C-230)	
See Agricultural Cooperative Associations	
FARMS	
rural housing, § 3536.....('45:c.200,A-58)	
soil conservation districts.....('47:c.191,A-37)	
weed control substances, regulation.....('51:c.76,A-39)	127-131
FEDERAL-AID	
adult education.....('45:c.108,A-33,s.4)	
airports.....('47:c.32,A-75,s.9)	
appropriations.....('51:c.289,A-14)	69
attorney general, duties of.....('51:c.289,A-14)	68
budget director, duties of.....('51:c.289,A-14)	68, 69
definitions.....('51:c.289,A-14)	68
engineer, donations.....('47:c.73,F-210)	
engineer acting thru subordinates.....('47:c.180,A-74)	
fuel tax moneys.....('47:c.196,A-83)	
Hawaii belt road, funds.....('45:c.28,F-243)	
Hawaii housing.....('47:J.R.4,s.5)	
See also § 3537.....('45:c.200,A-58)	

CUMULATIVE INDEX

	PAGE
FEDERAL-AID—continued	
highways:	
control of	('47:c.142,B-100)
digging, permit required.....	('45:c.178,A-88,s.1)
disturbing roads without permit a	
misdemeanor	('45:c.178,A-88,s.7)
excavating, backfill	('45:c.178,A-88,s.3,4)
expense for disturbing.....	('45:c.178,A-88,s.4)
inspectors for excavations and backfill.....	('45:c.178,A-88,s.5)
maintenance of, § 4972.....	('45:c.82,A-87)
performance bond, repair.....	('45:c.178,A-88,s.6)
permit to disturb, fees.....	('45:c.178,A-88,s.2)
post-war reconstruction	('45:c.164,A-89)
signs on	('45:c.172,A-86)
Honolulu street improvements.....	('49:c.375,E-321)
Kapiolani park improvements.....	('49:c.285,E-320)
Kawainui swamp flood control.....	('49:J.R.3)
Koolau tunnel	('47:c.95,F-211,s.6)
loan fund act of 1951.....	('51:c.321,E-268)
loan fund act of 1949.....	('49:c.400,E-325)
loan fund bonds.....	('47:c.73,F-210)
See also	('47:c.205,F-209)
repairs, request for funds.....	('47:J.R.21)
revolving fund created.....	('51:c.289,A-14)
vocational training.....	('45:c.117,A-39)
	654-659
	69
FEDERAL COURTS	
judgments, registration of.....	('51:c.295,D-246)
	595, 596
FEDERAL HOUSING ADMINISTRATION	
loans and mortgages insured under.....	(Sp.'49:c.17,C-33)
FEDERAL SURPLUS PROPERTY	
fair trade regulations.....	('45:c.214,C-152)
purchase of	('45:c.207,F-248)
FEDERAL TAXES	
registration of liens for.....	('49:cc.56,216,D-303,304)
FEEBLE MINDED, HOME FOR	
See Waimano Home	
FEES	
See Costs and Fees	
adult education	('45:c.108,A-33,s.4)
agricultural commodities control.....	('45:c.252,A-29)
appraiser's commissioner's, §§ 5574, 9761.....	('45:c.37,A-108)
archives, copies of.....	('45:c.109,D-170)
attorneys, probate proceedings.....	('51:c.167,D-224)
auctioneer's charges	('51:c.186,C-163)
automobile dealers and salesmen, licenses... ..	('51:c.90,C-177)
bank examiner	(Sp.'49:c.14,A-22)
bank examiner	('49:c.321,A-161)
boxing commission	('51:c.307,C-182)
bureau of conveyances, schedule.....	('51:c.112,D-243)
conveyances, recording	('47:c.157,D-187)
copies of records of vital statistics.....	(Sp.'49:c.34,A-13)
court officers, accounting for.....	('45:c.57,D-159)
economic poisons	('45:c.60,A-24)
executors, administrators, trustees	
and guardians	('51:c.170,D-223)
executors, etc., special.....	('47:c.100,D-158)
industrial loan law	('51:c.88,C-212)
industrial safety bureau.....	('49:c.133,A-114)
insurance, § 8460	('45:c.240,C-149)
See Insurance	
insurance companies, agents, etc.	('49:c.208,C-234)
jurors	('45:c.62,D-163)
	582
	416, 417
	441, 442
	454
	593, 594
	559-562
	522

CUMULATIVE INDEX

FEES—continued

PAGE

land court:		
schedule	('49:c.394,D-298)	
masters, appointed by boards or commissions.....	('49:c.329,A-17)	
masters, attorneys as	('45:c.95,A-10)	
milk dealers	('51:c.146,C-164)	417
notaries public	('51:c.281,C-183)	455
public lands, relating to.....	('51:c.128,A-90)	238
public records, copies of.....	('49:c.345,A-12)	
seed licenses, § 1354.09.....	('45:c.90,A-30)	
sheriffs and police officers.....	('49:c.387,D-252)	
subpoenas issued by boards or commissions.....	('49:c.329,A-17)	
treasurer, territorial	('49:c.172,A-160)	
veteran's guardian	('47:c.202,D-186,s.12)	
witnesses	('45:c.38,D-166)	

FELONS

parole of	('49:c.13,A-102)
-----------------	------------------

FELONY

dentistry license, revoked.....	('47:c.170,A-47,s.5)
See topic Crimes	
finer for	('45:c.67,D-179)
labor, §§ 1152-25, repealed.....	('47:c.143,D-169)
sentence indeterminate	('47:c.199,D-164)

FIDUCIARIES

See Guardians, Trustees

bonds, etc., registration of transfer.....	('45:c.197,C-148,ss.3,4)	
checks by or to.....	('45:c.197,C-148,ss.5,6)	
common trust fund.....	('47:c.130,C-150)	
definitions	('45:c.197,C-148)	
deposits	('45:c.197,C-148,ss.7-10)	
illegal acts, duty to report.....	('51:c.99,A-127)	316
investments, § 8661	('47:c.126,C-147)	
investments, guaranteed by administrator of		
veterans affairs	('45:c.223,C-147)	
law merchant applies when.....	('45:c.197,C-148,s.12)	
loans and mortgages insured under federal laws..	(Sp.'49:c.17,C-33)	
loans secured under Bankhead-Jones Farm		
Tenant Act	('49:c.340,C-233)	
misapplication of payments to.....	('45:c.197,C-148,s.2)	
negotiable instruments, transfer.....	('45:c.197,C-148,s.4)	
nominees for stock, when.....	('47:c.129,C-148)	
payments to, application of.....	('45:c.197,C-148,s.2)	
securities, registration of transfer.....	('45:c.197,C-148,ss.3,4)	
stock, voting pensions, etc.	('47:c.105,C-139)	
stock transfer	('47:c.124,C-136,s.2)	
transfer of securities.....	('45:c.197,C-148,ss.3,4)	

FIDUCIARY COMPANIES

loans, mortgages, insured under National	
Housing Act	('49:c.118,C-232)

FILIPINO AFFAIRS

position created, first circuit	('49:J.R.10)
---------------------------------------	--------------

FINDERS

reports to police, rights to property found.....	('49:c.319,B-165)
--	-------------------

FINES AND COSTS

circuit court, to Territory.....	('45:c.111,D-180)
county interest in repealed.....	('45:c.111,D-180)
felons, fines	('45:c.67,D-179)

FINGERPRINTS

identification certificates	('47:c.246,A-38)
-----------------------------------	------------------

CUMULATIVE INDEX

	PAGE
FIRE, MARINE INSURANCE	
rating organizations	('47:c.61,C-146)
New York form	('45:c.240,C-149)
See § 8514	('47:c.89,C-141,p.314-15)
FIRE DEPARTMENTS	
Hawaii	('47:c.174,B-114)
Hawaii county	('51:c.144,B-141) 349-352
Monolulu:	
power to maintain and provide regulations.....	('49:c.247,B-196)
salaries	('51:c.317,B-159) 408-410
salaries	('49:c.282,A-3)
salary, fire chief	('49:c.351,B-202)
Honolulu salaries	('47:c.106,B-121)
hours of work of members.....	('49:c.232,A-16)
Kauai county	('51:c.51,B-149) 369-374
Maul county	('49:c.25,B-192)
organization of in towns.....	('49:c.25,B-192)
salaries, counties	('51:c.203,B-136) 342
vacations	('49:c.169,A-18)
FIRE MARSHAL	
building plans, what to be approved.....	('45:c.166,C-150)
fire limits, Honolulu, restricted.....	('47:J.R.17)
Hawaii fire department.....	('47:c.174,B-114)
rules, power to make.....	('49:c.364,C-236)
FIREARMS	
criminals, possession by unlawful when....	('51:c.253,C-169) 422
hunters, possession by.....	('51:c.304,C-168) 421
minors, possession by.....	('51:c.304,C-168) 421
permit, application for.....	('51:c.304,C-168) 419, 420
permit to acquire, registration.....	(Sp.'49:c.24,C-30)
permit to acquire, registration, penalty.....	('49:c.192,C-211)
registration mandatory, with whom.....	('51:c.304,C-168) 419, 420
reports of transfer to be made, penalty.....	('51:c.304,C-168) 420, 421
tax clearance required for license to sell.....	('49:c.352,A-150)
FIREBOATS	
title to and operation of.....	('51:c.175,E-257) 642, 643
FISH AND FISHING	
agents to sell licenses for (?).....	('49:c.82,A-28)
appropriation for study.....	('45:c.16,F-274)
bait, nehu, iao.....	('47:c.179,A-33)
board of agriculture and forestry, powers of.....	('49:c.83,A-27)
canals, fishing in regulated, penalty.....	('51:c.53,A-34) 113, 114
canals; penalty	('47:c.19,A-32)
canals, Waikiki, and others, restrictions on.....	('49:c.154,A-39)
cancellation of fishing permit.....	('45:c.23,A-27)
catch reports	('45:c.23,A-27)
commercial:	
by aliens, prohibited when.....	('49:c.211,A-37)
commercial, licenses required.....	('47:c.39,A-34)
commercial fishing, defined	(Sp.'49:c.51,A-11)
commercial fishing, license, regulations, etc.	('49:c.272,A-40)
sale of excess catch, license for.....	('49:c.272,A-40)
crustaceans with eggs.....	('49:c.211,A-37)
dealer's reports	('45:c.24,A-28,s.1)
receipts in duplicate.....	('45:c.24,A-28,s.2)
eminent domain, fishery.....	('47:c.200,A-12)
firearms, spears, unlawful when.....	('49:c.211,A-37)
"fish dealer" defined.....	('45:c.24,A-28,s.3)
fish supply, rules.....	('47:c.178,A-25)
fresh water game fish, license.....	(Sp.'49:c.57,A-10)
from non-territorial waters.....	('45:c.107,A-25)
game wardens, interference.....	('47:c.30,D-168)
gear forfeited when.....	('47:c.14,A-27)

CUMULATIVE INDEX

	PAGE
FISH AND FISHING—continued	
harbors for fishing boats.....	('51:c.239,A-107) 260, 261
iced, cold storage.....	('47:c.187,A-49)
investigation of resources.....	('47:J.R.3)
license, terms, fees.....	('47:c.39,A-34)
minimum sizes.....	('49:c.211,A-37)
nehu, lao; penalty.....	('47:c.179,A-33)
nets, fine meshed, penalty.....	('47:c.12,A-31)
nets, forfeiture of.....	('47:c.14,A-27)
nets and traps, minimum size.....	('49:c.211,A-37)
night angling, throw net license.....	('47:c.39,A-34)
non-citizen employee, emergency.....	('45:c.127,A-26)
opelu fishing regulated, penalty.....	('51:c.13,A-35) 114
penalty, violating law.....	('47:c.39,A-34)
permits, catch reports.....	('45:c.23,A-27)
permits, scientific, etc., purposes.....	('45:c.14,A-21)
poisons, etc., use of, penalty.....	('49:c.49,A-38)
rates, harbor facilities.....	('47:c.72,A-78,s.1)
seizure, forfeiture of fishing gear.....	('49:c.66,A-30)
sport fishing licenses, provisions generally.....	('49:c.348,A-36)
statements for license.....	('47:c.39,A-34)
throw net license.....	('47:c.39,A-34)
traps, regulation of, penalty.....	('51:c.53,A-33) 112
wardens, power to enforce laws.....	('47:c.13,A-26)
FLOOD CONTROL	
bond issue, Honolulu, request for authority.....	('51:J.R.23) 745
county powers, §§ 6233, 6521.....	('45:c.190,B-125)
Honolulu, bond issue for.....	('51:c.204,E-262) 647
Honolulu projects, issuance of bonds for.....	('49:c.273,B-197)
joint resolution requesting funds for.....	('49:J.R.11)
Kapaa, Kauai.....	('45:c.167,F-272)
See Appropriations, Kauai	
Kawainui swamp project.....	('49:J.R.3)
soil conservation districts.....	('47:c.191,A-37)
FLOODS	
disaster relief act.....	('49:c.320,E-305)
FLOUR ENRICHMENT ACT	
appropriations, enrichment act.....	('45:c.101,A-45,s.7)
definitions.....	('45:c.101,A-45,s.1)
evidence, refusal of sample.....	('45:c.101,A-45,s.5)
hearings, waiver of restrictions.....	('45:c.101,A-45,s.1)
inspectors.....	('45:c.101,A-45,s.5)
rules.....	('45:c.101,A-45,s.5)
suspension, enrichment act.....	('45:c.101,A-45,s.5,s.8)
violations of enrichment act.....	('45:c.101,A-45,s.6)
waiver of enrichment law.....	('45:c.101,A-45,s.5)
FLOWERS	
export of, duties of industrial research	
advisory council.....	('49:c.122,A-43)
FOOD, DRUGS	
monthly report, repealed.....	('47:c.116,A-48)
FOOD PRODUCTS	
agricultural commodities.....	('45:c.252,A-29)
See that topic	
agricultural cooperative associations.....	('49:c.234,C-230)
See Agricultural Cooperative Associations	
feed stuffs regulated.....	('47:c.84,A-36)
fish, iced, cold storage.....	('47:c.187,A-49)
fish, etc., see topic Fish and Fishing	
flour, enrichment of.....	('45:c.101,A-45)
grades and standards.....	('47:c.195,A-35)
inspection, fees.....	('47:c.195,A-35,s.7)
inspectors, etc.....	('45:c.209,A-41)
selling on Honolulu streets.....	('45:c.27,B-131)

CUMULATIVE INDEX

	PAGE
FORCE OR VIOLENCE	
use of, or threats of, unlawful when, penalty.....('49:c.73,D-267)	
FOREIGN CORPORATIONS	
agent, bond, etc.....('51:c.294,C-201)	477-480
annual exhibit	481
FOREIGN LANGUAGE SCHOOLS	
provisions generally	('49:c.72,A-55)
FOREST RESERVES	
water resources in, conservation and development..('49:c.274,A-46)	
FORTUNE TELLERS	
offense defined, penalty.....('49:c.99,D-279)	
FOUNDINGS	
duty of custodian to report to local registrar.....('49:c.327,A-92)	
FRANCHISES	
Hilo Electric, etc., Co.('45:c.32,E-218)	
Hilo Electric Light Co., Ltd.('49:c.251,E-315)	
Hilo Electric Light Co., Ltd.....('51:c.66,E-260)	645
Honolulu Rapid Transit.....('47:c.133,E-192)	
Honolulu Rapid Transit Co., amendment.....('49:c.149,E-316)	
Kauai county, Waimea and Koloa.....('51:c.27,E-259)	644, 645
Wahila Water Co.('47:c.237,E-193)	
FRATERNAL ORGANIZATIONS	
general excise exemptions, § 5459.....('45:c.253,A-104)	
FRAUD	
advertising, display, sale of goods purporting	
to be U. S. goods.....('45:c.214,C-152)	
See False Advertising	
food product grades.....('47:c.195,A-35)	
public welfare assistance, obtaining	
improperly, penalty	('51:c.137,138,A-97,A-98) 247, 248
public welfare assistance, receipt of when	
receiving other income.....('49:c.308,A-140)	
FRAUDULENT COMMERCIAL PAPER	
evidence of intent to defraud.....('51:c.303,D-231)	572
FRUITS	
export of, duties of industrial research	
advisory council	('49:c.122,A-43)
export of, regulation	(Sp.'49:c.56,A-12)
export of, regulation.....('49:c.117,A-42)	
See Agricultural Products	
FUEL TAX	
See Taxation	
FUGITIVES FROM JUSTICE	
parolee, felon, becomes fugitive when.....('49:c.13,A-102)	
FUNERALS	
police to furnish free escort for.....('49:c.193,B-163)	
GAME BIRDS	
defined	('49:c.145,A-34)
open season, days of.....('47:c.29,A-30)	
open season, definitions, penalty.....('49:c.145,A-34)	

CUMULATIVE INDEX

	PAGE
GAME MAMMALS	
defined, exceptions	('49:c.186,A-33)
GAME RESERVES	
establishment of, regulations	('51:c.6,A-31) 110, 111
GAMES	
bribery and participants	('47:c.186,D-167)
minors at marble, dart, etc.	('45:c.36,C-139)
scalpers' sales of tickets	('45:c.39,D-183)
GARNISHMENT	
expenses, inmate of Wai mano home	('45:c.193,A-65)
insurance exempt when	('45:c.240,C-149)
warehouse receipts, goods covered by	('51:c.39,C-218) 545
GENDER	
§ 14 amended	('45:c.233,A-2)
GENERAL EXCISE TAX	
See Taxation	
GOVERNMENT	
strikes against, prohibited	(Sp.'49:c.42,A-9)
GOVERNMENT EMPLOYEES	
associations and organizations of officers	
and employees	(Sp.'49:c.5,A-2)
designation of official organization	(Sp.'49:c.5,A-2)
bond premiums, etc.	('47:c.198,A-15)
bonds of	('51:c.264,A-129) 319
bonus, territorial employees	('51:c.322,F-278) 676, 677
bonus and salary	('47:c.208,A-4)
bonus continued	('49:c.367,F-333)
cash in lieu of leave	('45:c.176,A-16)
citizenship	('51:c.319,A-2) 26
civil identification, aid to, § 1540.04	('47:c.246,A-38)
civil service law	('51:c.319,A-2) 2-27
See Civil Service	
compensatory time off for overtime work	(Sp.'49:c.36,A-6)
deductions from payroll for dues and insurance	
premiums	('49:c.275,A-48)
emergency, appointment and delegation of	
powers by governor in case of	(Sp.'49:c.21,A-5)
harbor director	('47:c.228,A-77)
Honolulu, authorization by supervisors,	
salaries	('51:c.25,B-156) 403
leaves, cash in lieu of, allowed when	('51:c.262,A-19) 79, 80
legislative hearings, duty to cooperate	(Sp.'49:c.40,A-7)
loyalty board	('51:c.256,A-20) 85-97
See Loyalty Board	
loyalty oath required	('49:c.137,A-21)
militia duties	('47:c.123,E-189)
motor vehicles, government owned, regulations,	
penalty	('49:c.389,A-14)
oath required of government employees	('51:c.154,A-21) 97, 98
office hours	('49:c.232,A-16)
pensions, former county employees	('45:c.264,B-122)
See topic Pensions	
preferences, military, terminate when	('47:c.118,A-17)
provisional appointments by civil service	
commission	(Sp.'49:c.45,A-1)
re-employment	('45:c.184,A-14)
See Civil Service	
See also	('45:c.114,A-15)
re-employment after military service	('49:c.370,A-20)

CUMULATIVE INDEX

	PAGE
GOVERNMENT EMPLOYEES—continued	
re-employment upon termination of	
military service ('51:c.262,A-19)	77, 78
residence, citizenship requirements..... ('49:c.190,A-10)	
retirement system obligation..... ('45:c.73,A-19)	
See Retirement, 1947 Supplement	
salaries partly from territorial, partly from federal	
funds, retirement ('45:c.25,A-20)	
salaries while abroad..... ('47:c.1,A-14)	
salary withheld, failure to file inventories..... ('45:c.151,A-31,s.3)	
sick leave ('51:c.121,A-18)	76
sick leave, substitute's salary..... ('47:c.27,A-16)	
special benefits for members in military	
service ('51:c.262,A-19)	80-84
strikes against government, prohibited..... (Sp.'49:c.42,A-9)	
subversive activities commission, duty to assist..... (Sp.'49:J.R.5)	
temporary employees, certain, status of..... ('51:c.262,A-19)	78
termination, etc., defense rule 74..... ('47:J.R.16)	
travel expenses, territorial officials..... ('49:c.322,A-11)	
unionism, § 80 ('47:c.119,A-3)	
vacation, cash in lieu of, allowed when..... ('51:c.262,A-19)	78, 79
vacation allowance ('51:c.326,A-17)	74, 75
vacation allowance, etc. ('47:c.118,A-17)	
vacation credit ('47:c.216,F-240)	
vacations:	
on transfer to another department..... ('49:c.169,A-18)	
termination of employment..... ('49:c.298,A-19)	
vacations, earned credits, claim for..... ('49:c.258,F-401)	
veterans' council employees..... ('45:c.150,211,s.5)	
GOVERNMENT MOTOR VEHICLES	
certain uses of prohibited..... ('49:c.389,A-14)	
duty of enforcing regulations..... ('49:c.389,A-14)	
exceptions ('49:c.389,A-14)	
identification of ('49:c.389,A-14)	
penalties, dismissal, for violations..... ('49:c.389,A-14)	
shelter, parking places for..... ('49:c.389,A-14)	
GOVERNMENT RECORDS	
disposal of ('49:c.65,A-13)	
GOVERNOR	
aeronautics commission, appointment of..... ('49:c.360,A-141)	
advisory board, vocational education..... ('45:c.219,A-38)	
advisory commission for hospitals and	
medical care, appointment of..... ('51:c.129,A-57)	162, 163
airport zoning rules..... ('45:c.182,A-85,s.6)	
annual appropriation act, special provisions. ('51:c.318,F-274)	672, 673
appropriations, 1951-1953 ('51:c.318,F-274)	663
armory board rules, approval of..... ('51:c.37,E-250)	599, 600
bank examiner regulations, approval of.... ('51:c.103,A-128)	317
beauty culture board, appointment of..... ('49:c.397,A-62)	
rules and regulations, approval of..... ('49:c.397,A-62)	
board of health, appointment of..... ('51:c.292,A-52)	156, 157
bond issues ('47:c.218,A-95)	
bonds, purchases, transfer, § 5927..... ('45:c.42,A-117)	
bonds of officers, approval of..... ('51:c.264,A-129)	319
bonus, discretion ('47:c.208,A-4,s.3)	
boxing commission, appointment of..... ('51:c.307,C-132)	453
Camp Banyan, recreational area..... ('47:J.R.11)	
children and youth commission, appointment of.. ('49:c.294,D-287)	
reports to be made by..... ('49:c.294,D-287)	
civil defense advisory council,	
appointment of ('51:c.268,E-253)	612
civil defense director, appointment of..... ('51:c.268,E-253)	611
civil defense law ('51:c.268,E-253)	606-636
See Civil Defense	

CUMULATIVE INDEX

	PAGE
GOVERNOR—continued	
civil service commission, appointment of.....('51:c.319,A-2)	5
civil service commission, approval of rules.....('49:c.298,A-19)	
civil service rules, special, approval of.....('51:c.262,A-19)	83, 84
civil service rules and regulations, approval..('51:c.319,A-2)	10
classification study commission.....('47:J.R.12)	
commercial rent control.....('45:c.69,E-215)	
compensation-dividends tax, refunding to federal employees	('45:c.208,A-102)
conciliator, employment relations.....('45:c.250,A-68,s.5)	
constitution, submission of to people for ratifications	(Sp.'50:J.R.1)
constitutional convention, proclamation calling...('49:c.334,E-313)	6-8
vacancies, filled by appointment.....('49:c.334,E-313)	
contingent fund restriction.....('47:c.203,F-206)	
county liabilities in excess of available funds, approval of	('49:c.342,A-159)
courts-martial, convening, punishment.....('51:c.30,E-249)	599
dental health advisory committee, appointment of	('49:c.208,A-58)
director, bureau of blind, § 4871.....('45:c.113,A-81)	
disaster relief, appropriation for.....(Sp.'50:c.3)	2
disaster relief agency, appointment of director...('49:c.320,E-305)	
advisory council	('49:c.320,E-305)
election inspectors, appointment.....('49:c.399,A-5)	
election inspectors, appointments to fill vacancies.(Sp.'49:c.12,A-3)	
shipping space, allocation of.....(Sp.'49:c.21,A-5)	
emergency board, public utility labor disputes....('49:c.146,A-109)	
report of to governor.....('49:c.146,A-109)	
emergency period, ending of.....('51:c.262,A-19)	79
employment relations board.....('45:c.250,A-68,s.4)	
engineers, architects, surveyors, board of, appointment	('49:c.306,C-226)
entertainment fund	('47:c.206,F-208)
expenditures, approval of, § 351.....('47:c.18,A-13)	
farm advisory board, appointment of members....('49:c.235,A-31)	
fire limits, Honolulu.....('47:J.R.17)	
fire marshal's rules, approval of.....('49:c.364,C-286)	
fish and wildlife service, conveyance of land for.....	('51:J.R.17) 738, 739
flour enrichment, suspension.....('45:c.101,A-45,s.8)	
game reserve, etc., regulations, approval of....('51:c.6,A-31)	110
Hamakua houselots	('45:J.R.5)
Hansen's disease, rules, approval of.....('51:c.157,A-58)	169
Hawaiian housing authority, acting commissioner, power to appoint.....	('49:c.302,A-93)
Hawaii housing bonds, § 3524.....	('45:c.200,A-58)
Hawaii housing powers.....	('47:J.R.4)
Hawaii statehood commission, appointment of	('51:c.160,E-255)
harbor commissioners, appointment of.....	('51:c.22,A-106)
health rules	('45:c.116,A-42)
highway fund, advances.....	('47:c.73,F-210)
historical sites commission, appointment of....('51:c.36,E-248)	597
public works, duties relating to.....	('51:c.36,E-248)
Honolulu airport agreement re title.....	('49:J.R.18)
hospital for Hansen's disease patients on Oahu, approval of site.....	('49:c.53,A-72 and c.109,A-73)
hospital service study commission.....	('45:J.R.12)
household remedy list, § 2901 (c).....	('45:c.155,A-65)
identification records, § 1540.14.....	('47:c.246,A-38)
industrial research advisory council, appointment..('49:c.122,A-43)	
expenditures, approval	('49:c.122,A-43)
inspectors of elections special, where voting machines used.....	('49:c.318,A-7)
insurance fund repletions.....	('45:c.89,A-116)
investments, short term.....	('45:c.59,A-113)
John Rodgers Airport, part of U.S.....	('47:J.R.9)

CUMULATIVE INDEX

	PAGE
GOVERNOR—continued	
Kauai waterworks board, appointment of.... ('51:c.152,B-148)	363
Koolau tunnel bonds..... ('47:c.95,F-211,s.6)	
labor commission rules, approval of..... ('51:c.23,A-74)	197
loans from counties to Territory..... ('45:c.133,A-114,s.2)	
loyalty board, appointment of..... ('51:c.256,A-20)	85, 86
See Loyalty Board	
mainland depositories, § 5803..... ('45:c.59,A-113)	
militia, powers..... ('47:c.123,E-189)	
motor vehicle dealers and salesmen licensing board, appointment of..... ('51:c.90,C-177)	435
names, change of, § 12387..... ('45:c.145,D-200)	
national memorial cemetery, improvement of area contiguous to..... ('49:J.R.28)	
non-support cases, extradition..... ('51:c.216,D-238)	583
nurses' licensing board, § 2771..... ('45:c.103,A-54)	
nursing education and nursing services commission..... ('51:J.R.18)	739, 740
Oahu prison land, use as war memorial.... ('51:c.314,F-301)	697
office hours, approval of five day week..... ('49:c.232,A-16)	
opticians, dispensing, board of, appointment, removal..... ('49:c.183,A-87)	
reports of board..... ('49:c.183,A-87)	
Pacific war memorial commission, appointment of..... ('49:c.238,E-309)	
pardon for parolee honorably discharged from military service..... ('49:c.2,A-103)	
parks, land set aside for territorial..... ('49:c.135,A-32)	
pension commission..... ('45:c.213,A-13)	
pharmacy board, appointment of..... ('49:c.175,A-89)	
reports of..... ('49:c.175,A-89)	
Pohakuloa houselots..... ('45:J.R.5)	
poisons, rules re sale of..... ('45:c.133,A-56)	
police commissions, counties..... ('47:c.212,B-106)	
prison camps, temporary, approval of..... ('49:c.233,A-99)	
proceeds of residence, business sales of public lands, for roads, water, §§ 4526-27..... ('45:c.123,A-77)	
public land, special fund..... ('47:c.107,A-68)	
public utility disputes..... ('47:c.53,A-62)	
public welfare board, appointment of..... ('49:c.346,A-137)	
real estate license commission, appointment of..... ('51:c.77,C-184)	456
redevelopment agencies, appointment, removal, of members..... ('49:c.379,B-175)	
public lands, approval for use by..... ('49:c.379,B-175)	
submission of requests to legislature for appropriations..... ('49:c.379,B-175)	
retirement, pension commission..... ('45:c.213,A-18)	
retirement investments, powers..... ('47:c.233,A-24)	
retirement system, actuarial report on..... ('49:J.R.19)	
rules, occupational, health..... ('45:c.140,A-43)	
salary, petition to Congress..... ('47:J.R.8)	
salary addition..... ('45:c.261,E-216)	
also..... ('45:J.R.10)	
salary standardization board, appointment of..... ('51:c.320,A-3)	31
salary standardization board regulations, approval..... ('51:c.320,A-3)	40
salary standardization board report..... ('51:c.320,A-3)	40
session laws, classifying publication of..... ('51:c.301,A-1)	1, 2
short term investments..... ('47:c.244,A-92)	
statehood commission..... ('47:c.115,F-217)	
stevedoring industry, settlement of labor disputes..... (Sp.'49:c.62,A-15)	205-213
stevedoring industry disputes..... ('51:c.209,A-78)	
See Labor Disputes, Stevedoring Industry	
strikes against government, request to attorney general to enjoin..... (Sp.'49:c.42,A-9)	

CUMULATIVE INDEX

	PAGE
GOVERNOR—continued	
subversive activities commission, appointment of... (Sp.'49:J.R.5)	
tax compromises, § 5104 (4)..... ('45:c.79,A-91,s.2)	
taxes, temporary exemptions, powers relating to ('51:c.284,F-320)	711
transfer of epileptics from territorial hospital to Waimano home..... ('45:c.165,A-64)	
uniformity of legislation commission, appointment of ('49:c.326,A-2)	
university projects, § 1991.02..... ('47:c.141,A-42)	
university regents, § 1942..... ('45:c.135,A-40)	
veterans' affairs council, appointment of. ('51:c.75,E-252)	603
veterinary examiners, appointment..... ('49:c.280,A-91)	
reports of board..... ('49:c.280,A-91)	
vocational rehabilitation of disabled persons, reports of, plans, approval..... ('49:c.219,A-56)	
voting booths or units, establishment of. ('51:c.309,A-4)	48
voting booths or units, establishment of..... ('49:c.399,A-5)	
voting machine board, appointment..... ('49:c.318,A-7)	
voting machine board rules, approval..... ('49:c.318,A-7)	
Waialeale school site, etc. ('45:c.170,F-261)	
Wailua, Kauai, house lots, roads..... ('45:J.R.11)	
Waimua, Kauai, house lots, roads..... ('45:J.R.7)	
Washington Place, repairs and equipment, appropriation ('51:c.210,F-291)	686, 687
workmen's compensation appeal boards, appointment of ('49:c.115,A-126)	
GROSS CHEAT	
scalpers' sales ('45:c.39,D-183)	
GROSS INCOME TAX	
See Taxation	
GROUP LIFE INSURANCE	
defined, standard provisions..... ('49:c.388,C-237)	
GUARDIAN AND WARDS	
accounts, annual, exceptions, master..... ('45:c.186,D-204)	
bonds, veteran's estate..... ('47:c.202,D-186,s.9)	
common trust fund..... ('47:c.130,C-150)	
conservator, absentees property..... ('45:c.30,D-202)	
contribution to delinquency, dependency, of minor ('45:c.187,D-193)	
court accounts, audit..... ('47:c.160,D-172)	
expense, inmate, Waimano home..... ('45:c.193,A-65)	
fees, special services, § 9757..... ('47:c.100,D-158)	
fees, veteran's guardian..... ('45:c.202,D-186,s.12)	
fees and expenses, allowance of..... ('51:c.170,D-223)	559-562
fiduciary powers, restrictions..... ('45:c.197,C-148)	
general bond, § 8663, repealed..... ('47:c.128,C-149)	
incapacity of spouse in suits under community property law ('45:c.273,D-201)	
insane libellee, appointment of..... ('51:c.287,D-236)	580
investment, § 8661 ('47:c.125,C-147)	
veteran's estate ('47:c.202,D-186,s.13)	
investment in loans secured under Bankhead-Jones Farm Tenant Act..... ('49:c.340,C-233)	
minor veteran ('47:c.202,D-186)	
nominees for stock, when..... ('47:c.129,C-148)	
paternity proceedings ('47:c.57,D-176)	
powers, release of..... ('47:c.126,C-151)	
sale of real estate by guardian notice of sale..... ('49:c.81,D-297)	
validity of sale, conditions..... ('49:c.81,D-297)	
sale of real property..... ('45:c.211,D-203)	
sales, oath repealed..... ('47:c.97,D-185)	
small estates, § 12504..... ('47:c.96,D-183)	
termination of conservatorship..... ('45:c.30,D-202,s.3)	

CUMULATIVE INDEX

	PAGE
GUARDIAN AND WARDS—continued	
vaccination, immunization, duties.....('45:c.171,A-49)	
veteran's act.....('47:c.202,D-186)	
chief clerk of court, powers.....('51:c.60,D-239)	589
voting stock, charity pensions.....('47:c.105,C-139)	
GYMNASIUMS	
Hawaii county.....('47:c.111,A-81)	
also.....('47:c.205,F-209)	
Hilo.....('47:c.205,F-209)	
Kapaa, Waimea, high schools.....('47:c.205,F-209)	
Kapaa High School.....('47:c.41,E-195)	
plans, approval of fire marshal.....('45:c.188,C-150)	
Waimea, Kauai.....('47:c.205,F-209)	
HAIRDRESSERS	
licenses.....('47:c.238,A-45)	
regulation by board of health.....('45:c.140,A-43)	
regulation of.....('49:c.397,A-62)	
See Beauty Culture	
HAMAKUA	
house lots.....('45:J.R.5)	
HANA	
airport, appropriation.....('45:c.153,F-232)	
HANAPEPE HEIGHTS	
lots, roads, water.....('45:c.213,F-244)	
See Kauai	
HANSEN'S DISEASE	
board of health, powers and duties	
relating to.....('51:c.157,A-58)	166-170
board of health to administer hospitals and	
treatment of patients.....('49:c.109,A-73)	
care of patients in public or private hospitals	
or homes, permitted when.....('49:c.392,A-74 and c.80,A-75)	
children, public welfare care.....('51:c.24,A-95)	245
divorce, Hansen's disease as ground.....('51:c.287,D-236)	580, 581
hospital on Oahu, establishment of...('49:c.53,A-72 and c.109,A-73)	
labor by patients, pay, vacations....('49:c.371,A-76 and c.373,A-77)	
meetings of board at Kalaupapa and Kailhi.....('49:c.80,A-75)	
meetings of board of health.....('51:c.31,A-59)	170, 171
pictures, taking of, prohibited when, penalty.....('49:c.80,A-75)	
terminology of disease and sufferers changed	
from "leprosy" to "Hansen's disease," etc.....('49:c.53,A-72)	
treatment and care of patients.....('49:c.80,A-75)	
HARBORS	
authority to board to cancel leases to Kahului R.R.,	
re bag-sugar conveyor.....('45:c.120,E-221)	
bonds, improvements at Honolulu, Kawaihae,	
Nawiliwili.....('47:c.95,F-211)	
See also.....('47:c.205,F-209)	
cancellation of bonds, effect.....('45:c.8,E-220,s.5)	
commissioners, appointment of, jurisdiction..('51:c.22,A-106)	259, 260
compensation for land taken for highway	
purposes.....('49:c.363,F-342)	
director, non-civil service.....('47:c.225,A-77)	
expenditures.....('47:c.72,A-78,s.4)	
fire protection, Honolulu harbor.....(Sp.'49:c.30,F-56)	
fire protection, Honolulu harbor.....('49:c.333,F-341)	
fire protective systems at piers.....('49:c.98,F-340)	
fireboat, Honolulu, appropriations for.....('51:c.175,E-257)	642, 643
fishing and pleasure boats, harbors for.....('51:c.239,A-107)	260, 261
funds, special, reserve.....('47:c.72,A-78,s.3)	

CUMULATIVE INDEX

	PAGE
HARBORS—continued	
Honolulu harbor, operation of drawbridge	
across second channel.....('49:c.105,A-144)	
Kaual beach erosion survey and report.....('49:c.263,F-386)	
Kawahae terminal, appropriation for.....(Sp.'49:c.55,B-49)	
Lahaina breakwater(Sp.'50:c.2)	1, 2
Lahaina breakwater('49:c.27,F-388)	
loan fund 1947.....('47:c.205,F-308)	
Maalaea, Maui, boat harbor, appropriation....('51:c.10,F-318)	709
private use of shores or shore waters,	
limitations on use of.....('49:c.119,A-145)	
rates, § 4996('47:c.72,A-78,s.1)	
rehabilitation fund('45:c.112,A-90,s.3)	
retirement system, contributions to.....('51:c.245,A-29)	107, 108
small boat harbor maintenance fund.....('51:c.239,A-107)	260
stevedoring industry, settlement of labor	
disputes(Sp.'49:c.62,A-15)	
See Labor Disputes, Stevedoring Industry	
wharfingers' residences, § 4990.....('45:c.112,A-90)	
HAWAII CANCER SOCIETY	
bureau of cancer control, cooperation with.....('49:c.79,A-61)	
HAWAII COUNTY	
See Appropriations, County Government	
Ahualoa homestead road.....('47:c.45,F-228)	
airport: Kailua('45:c.153,F-232)	
appropriation, belt road.....('45:c.28,F-243)	
attorney:	
board of water supply, counsel for.....('49:c.86,B-185)	
managing committee, legal advisor to.....('51:c.29,B-140)	348
bonus; improvements('47:c.111,A-81,s.12)	
bridges, Niuli gulch, North Kohala.....('45:c.31,A-100)	
See Bridges	
building zones('47:c.76,B-109)	
Camp Banyan, recreational area.....('47:J.R.11)	
Cemeteries for veterans.....('47:c.214,B-190)	
civil service law.....('51:c.319,A-2)	2-27
See Civil Service	
district courts, salaries, § 9779.....('47:c.171,D-159)	
district magistrates('47:c.173,D-155)	
North Hilo and Hamakua eliminated.....('45:c.80,D-156,s.1)	
salaries('51:c.282,D-225)	563
eminent domain proceedings.....('51:c.12,A-8)	52-61
See Eminent Domain	
extra fuel tax('47:c.196,A-83,s.1)	
extra fuel tax, expenditure of.....('51:c.8,F-304)	700
extra fuel tax, expenditure of.....(Sp.'49:c.15,F-58)	
extra fuel tax, expenditure of.....('49:c.54,F-358)	
fire department('51:c.144,B-141)	349-352
chief engineer, qualifications, powers	
and duties('51:c.144,B-141)	350, 351
fire drills and fires, attendance.....('51:c.144,B-141)	351
organization('51:c.144,B-141)	349-351
salaries('51:cc.203,144,B-136,B-141)	342, 351
fire regulations, ordinances.....('47:c.174,B-114)	
flood loss, relief from taxes.....('49:c.245,F-400)	
fuel tax special fund.....('51:c.302,A-120)	286-292
general excise, 1947-48.....('47:c.111,A-81,s.12)	
governmental office buildings, sale of,	
disposition of proceeds.....('51:c.299,F-306)	701
Hawaii aeronautics commission agreement	
ratified('51:c.63,F-310)	703, 704
Hawaiian Homes, roads, etc.....('47:c.215,F-216)	
highways, federal aid, appropriations.....('51:c.111,F-309)	703
Hilo Electric, franchise.....('45:c.32,B-218)	
	833

CUMULATIVE INDEX

HAWAII COUNTY—continued

PAGE

Hilo Electric Light Co., franchise.....	('51:c.66,E-260)	645
Hilo Electric Light Co., franchise.....	('49:c.251,E-315)	
Hilo Memorial Hospital		
managing committee	(Sp.'49:c.48,B-26)	
qualification of members, § 6385.....	('45:c.39,B-127)	
superintendent, qualifications	('49:c.18,B-184)	
Hilo sewer fund, § 6380.....	('47:c.222,B-113)	
Hilo sidewalks, § 6130.....	('45:c.63,B-121)	
Hilo water system.....	('45:c.277,F-242)	
homestead roads, appropriation for.....	('49:c.386,F-369)	
homestead roads; park.....	('45:c.259,F-276)	
See also	('47:c.111,A-81,p.203)	
hospital, Honokaa	('47:c.138,F-229)	
See also	('45:c.277,F-242)	
hospitals		
managing committee, appointment,		
terms, powers, etc.....	('51:c.29,B-140)	347, 348
personnel, transfer of.....	('51:c.29,B-140)	348, 349
Puumaille and Hilo Memorial Hospital.....	('51:c.29,B-140)	346-349
superintendent	('51:c.29,B-140)	348
improvement by assessment.....	('49:c.356,B-187)	
areas outside improvement districts,		
petition by owners.....	('49:c.356,B-187)	
assessments, amount, collection, payment.....	('49:c.356,B-187)	
bonds, issuance, payment before or at maturity.....	('49:c.356,B-187)	
bonds not chargeable against general revenues.....	('49:c.356,B-187)	
contract, procedure for letting.....	('49:c.356,B-187)	
costs borne by county.....	('49:c.356,B-187)	
default in payment, sale on.....	('49:c.356,B-187)	
definitions	(Sp.'49:c.33,B-27)	
definitions	('49:c.356,B-187)	
determination by supervisors.....	('49:c.356,B-187)	
exempt or public lands.....	('49:c.356,B-187)	
failure to pay instalment, effect of.....	('49:c.356,B-187)	
hearing	('49:c.356,B-187)	
instalment payments	('49:c.356,B-187)	
joint owners, liability of.....	('49:c.356,B-187)	
lessors, lessees, rights of.....	('49:c.356,B-187)	
lien, assessments are, priority of.....	('49:c.356,B-187)	
limitation of actions or suits.....	('49:c.356,B-187)	
method, generally	('49:c.356,B-187)	
notice of improvements and amount of		
assessments	('49:c.356,B-187)	
payment of assessment in bonds.....	('49:c.356,B-187)	
petition by owners to improve.....	('49:c.356,B-187)	
procedure after public hearing.....	('49:c.356,B-187)	
procedure for proposed improvement.....	('49:c.356,B-187)	
protests, objections, suggestions by owners.....	('49:c.356,B-187)	
purchase at sale for default.....	('49:c.356,B-187)	
refunding bonds authorized, procedure.....	('49:c.356,B-187)	
revolving fund	('49:c.356,B-187)	
sale of land bid in by treasurer.....	('49:c.356,B-187)	
sewers, limitation on assessment.....	('49:c.356,B-187)	
treasurer to issue certificates re payments.....	('49:c.356,B-187)	
water systems	('49:c.356,B-187)	
inventories, surplus, use	('47:c.144,B-111)	
Kailua (Kona) airport, appropriation.....	('49:c.103,F-361)	
Kaiwili homestead road	('47:c.227,F-226)	
Kalapana school, reopening of lower grades.....	('49:c.123,F-370)	
Kapapala, Pahala, roads	('45:c.28,F-243)	
Kau, Wood Valley road.....	('45:c.277,F-242)	
Kaumana Park, South Hilo.....	('51:c.40,F-305)	700, 701
Kaumana school and park lands, acquisition of.....	('49:c.91,F-360)	
Kaumana school park	('47:c.102,F-227)	
Kawaihae terminal, appropriation for.....	(Sp.'49:c.55,E-49)	
Kokoiki water system	('45:c.277,F-242)	
Kolekole park pavilion, construction of.....	('49:c.125,F-362)	
Kulani road, appropriation for.....	('49:c.255,F-367)	
libraries	('51:c.190,A-48)	146, 147
See Libraries		
library, appropriation for, approval of		
managing board's actions	(Sp.'49:J.R.3)	

CUMULATIVE INDEX

HAWAII COUNTY—continued

PAGE

library, construction	('45:c.72,F-238)	
Lindsey tunnel	('45:c.277,F-242)	
See also	('47:c.111,A-81,p.203)	
liquor commission, refunding of certain fees....	('51:J.R.34)	756
loan fund act of 1951.....	('51:c.321,E-268)	654-659
loan fund act of 1949,		
amendments	('51:cc.14,100,234,E-269,E-270,E-271)	659-660
loan fund act of 1949.....	('49:c.400,E-325)	
loan fund 1947.....	('47:c.205,F-209)	
motor vehicle common carriers, regulation of....	(Sp.49:c.54,B-25)	
officers, salaries of.....	('51:c.221,B-137)	343
ordinances, standard codes	('47:c.193,B-110)	
pay increase, authorization.....	('47:c.17,F-225)	
pay increases to employees, appropriation for.....	('51:c.28,F-307)	702
pay increases to employees, appropriation for....	('49:c.134,F-363)	
planning, traffic, zoning	('47:c.77,B-108)	
plant quarantine station	('47:c.80,F-237)	
Pohakuloa; Waimea, houselots	('45:J.R.5)	
police department	('47:c.212,B-106)	
appropriations	('49:c.233,B-179)	
post-war highway fund, transfer to county.....	('49:c.240,F-366)	
public improvements, South Kohala.....	(Sp.49:c.22,F-60)	
public improvements, South Kohala.....	('49:c.207,F-365)	
public park at Mahukona.....	(Sp.49:c.16,F-69)	
public works department, powers, duties, bureaus..	('49:c.212,B-133)	
assistant engineers	('51:c.228,B-138)	345
bureaus created, functions and duties....	('51:c.229,B-139)	346
purchase of equipment.....	('47:c.144,B-111)	
recreation commission	('49:c.221,B-186)	
administrative secretary, duties of.....	('49:c.221,B-186)	
appropriations	('49:c.221,B-186)	
contracts, acquisition and disposal of property..	('49:c.221,B-186)	
creation, appointment of members, terms.....	('49:c.221,B-186)	
employees	('49:c.221,B-186)	
property to be managed.....	('49:c.221,B-186)	
residence, fire chief	('47:c.174,B-114)	
saddle road, appropriation for.....	('49:c.287,F-368)	
saddle road fund	('47:c.206,F-208)	
salaries, officers, § 6352	('47:c.209,B-107)	
salary standardization law.....	('51:c.320,A-3)	28-47
See Salary Standardization Law		
Spencer, Sam, payment to.....	('49:c.155,F-364)	
supervisors' meetings, § 6239.....	('47:c.197,B-105)	
supplies, inspection, warehouses	('47:c.144,B-111)	
surveys, Waimea lots, etc.....	('45:c.232,F-245)	
tidal wave, relief, etc.....	('47:c.227,F-226)	
tuberculosis hospital	('47:c.205,F-209)	
veterans' cemeteries, appropriations.....	('51:c.179,F-290)	686
Waimea irrigation, water utilization project,		
bond issue	('51:c.240,E-261)	646
Waimea school expansion of facilities.....	('49:c.295,F-371)	
Waimea water system	('45:c.277,F-242)	
See also	('47:c.111,A-81,p.203)	
Walpole Valley road survey.....	('45:c.58,F-246)	
warning systems, appropriations for.....	('49:c.198,F-358)	
water main, Kamuela to Kawaihae,		
appropriation	('51:c.285,F-308)	702
water supply, board of.....	('49:c.86,B-185)	
accounts, revenues and expenditures.....	('49:c.86,B-185)	
appointment, number, terms	('49:c.86,B-185)	
assistants and employees, appointment of.....	('51:c.153,B-142)	352
attorneys	('49:c.86,B-185)	
audit of accounts.....	('51:c.171,B-143)	353
bond issue for construction, equipment, etc.....	('49:c.28,E-317)	
bonds, sale of	('49:c.86,B-185)	
claims against, notice, limitation of action.....	('49:c.86,B-185)	
construction, additions, improvements,		
determination of	('49:c.86,B-185)	

CUMULATIVE INDEX

HAWAII COUNTY—continued

PAGE

water supply, board of—continued

contracts, purchases, sale of property,	
powers regarding	('49:c.86,B-185)
creation of board, members	('49:c.86,B-185)
expenditure of funds	('49:c.86,B-185)
joint services, authorization to make	
agreements for	('49:c.86,B-185)
land, power to acquire	('49:c.86,B-185)
limitation on action against board	('49:c.86,B-185)
manager, power, assistants	('49:c.86,B-185)
meetings and organization	('49:c.86,B-185)
name of board, service of process on	('49:c.86,B-185)
rates, power to fix	('49:c.86,B-185)
rates and charges, public hearings	('51:c.159,B-144)
repeal of conflicting laws	('49:c.86,B-185)
reports by manager	('51:c.171,B-143)
reserve fund	('49:c.86,B-185)
revenues, disposition of	('51:c.171,B-143)
rules and regulations, power to make	('49:c.86,B-185)
transfer of funds and obligations	('49:c.86,B-185)
utilities, power to make agreements with	('49:c.86,B-185)
water system, Kona, appropriation	(Sp.50:c.5)
water systems	('45:c.277,F-242,s.7)
See also	('47:c.111,A-81,p.208)
water works, revenues, etc.	('47:c.40,B-112)
zoning, buildings	('47:c.76,B-109)
traffic	('47:c.77,B-108)

HAWAII DEFENSE ACT

expired July 1, 1947	('47:c.20,E-191)
----------------------------	------------------

HAWAII EMPLOYMENT RELATIONS BOARD

appropriation	('51:c.15,F-277)
See Labor	('45:c.250,A-68)

HAWAII EQUAL RIGHTS—repealed

HAWAII HOUSING AUTHORITY

acting commissioner, appointment of	('49:c.302,A-93)
bonds	
as legal investments	('51:c.134,A-66)
bonds, issuing, etc., § 8524	('45:c.200,A-58)
contracts, power to make	('49:c.229,A-94)
bond to insure performance	('49:c.229,A-94)
commissioners and employees not to have	
interest in projects	('51:c.134,A-66)
counties, gifts to and from, furnishing of services,	
etc.	('49:c.268,B-166)
counties to furnish certain services free of charge	('49:c.281,B-167)
definitions	('51:c.134,A-66)
eviction of tenants:	
appeal	('49:c.384,A-95)
grounds for and power of authority	('49:c.384,A-95)
hearings, notice, procedure	('49:c.384,A-95)
order of eviction	('49:c.384,A-95)
exemption of property from mechanics or	
materialmen's liens, execution	('49:c.229,A-94)
federal contributions, agreements to secure	('51:c.134,A-66)
federal-aid agreements, § 8537	('45:c.200,A-58)
garbage disposal service by counties	(Sp.49:c.20,B-23)
housing projects, appropriations, powers,	
duties, etc.	('49:c.362,F-343)
housing projects authorized	('49:c.338,A-98)
aid from federal government	('49:c.338,A-98)
appropriation	('49:c.338,A-98)
appropriation, repealed	('51:c.235,F-281)
definitions	('49:c.338,A-98)
legislative findings and declaration	('49:c.338,A-98)
powers of housing authority	('49:c.338,A-98)

CUMULATIVE INDEX

	PAGE
HAWAII HOUSING AUTHORITY—continued	
housing projects authorized—continued	
project to be self-supporting, permanent.....('49:c.338,A-98)	
revenue bonds, authority to issue.....('49:c.338,A-98)	
saving clause.....('49:c.338,A-98)	
tenant selection.....('49:c.338,A-98)	
Lanakila, Mayor Wright projects, funds for..('51:c.236,F-280)	678
lien on abandoned personal property for	
storage charges.....('49:c.128,A-97)	
definitions.....('49:c.128,A-97)	
miscellaneous provisions.....('49:c.128,A-97)	
sale by public auction, notice, disposition of	
proceeds.....('49:c.128,A-97)	
lien on personal property for rent and charges....('49:c.220,A-96)	
definitions.....('49:c.220,A-96)	
foreclosure of lien, notice, sale, disposition	
of proceeds.....('49:c.220,A-96)	
miscellaneous provisions.....('49:c.220,A-96)	
loans from territorial treasurer, authorized when..('49:c.342,A-159)	
payments to public bodies, § 3538.....('45:c.200,A-53)	
powers and duties of.....('51:c.134,A-66)	185, 186
powers enlarged.....('47:J.R.4)	
profit limitation modified.....('47:J.R.4,s.4)	
rental powers enlarged.....('47:J.R.4,s.4)	
rentals and tenant selection.....('51:c.134,A-66)	187, 188
retirement system, contributions to.....('51:c.245,A-29)	107, 108
revolving fund.....('47:J.R.4,s.12)	
rural housing, § 3536.....('45:c.200,A-53)	
rural housing, powers with respect to.....('51:c.134,A-66)	188
tenant selection.....('47:J.R.4)	
termination of lease and eviction of tenants.....('49:c.334,A-95)	
termination of special power.....('47:J.R.4,s.16)	
urban redevelopment act.....('49:c. 379,B-175)	
See Urban Redevelopment Act	
zoning laws limited.....('47:J.R.4,s.4)	
HAWAII NATIONAL GUARD	
pay of enlisted men on active duty.....(Sp.'49:c.31,E-45)	
See National Guard	
HAWAII SOIL CONSERVATION COMMITTEE	
creation, duties, powers.....('47:c.191,A-37)	
HAWAII STATEHOOD COMMISSION	
appropriation for.....('51:c.70,F-289)	685
appropriation for, and 1950 amendments.....(Sp.'50:c.4)	2, 3
appropriations for, and 1949 amendments.....('49:c.365,E-314)	
commission, appointment, tenure, etc.....('51:c.160,E-255)	637, 638
constitution, submission to people for	
ratification.....(Sp.'50:J.R.1)	6-8
constitutional convention, provisions for.....('49:c.334,E-318)	
See Constitutional Convention	
creation, power, etc.....('47:c.115,F-217)	
HAWAII TERRITORIAL MEDICAL ASSOCIATION	
bureau of cancer control, cooperation with.....('49:c.79,A-61)	
HAWAII VISITORS BUREAU	
appropriations, 1951-1953.....('51:c.318,F-274)	663-665
executive secretary, member of historical	
sites commission.....('51:c.36,E-248)	597
HAWAIIAN HERBS AND PLANTS	
permits to use, revocation and suspension of.....('49:c.121,A-82)	
HAWAIIAN HISTORICAL SOCIETY	
government records, disposal of.....('49:c.65,A-13)	

CUMULATIVE INDEX

	PAGE
HAWAIIAN HOMES COMMISSION	
amendments requested	('47:J.R.22)
appropriations, 1951-1953	('51:c.318,F-274) 665
cancellation of bonds, effect.....	('45:c.8,E-220,s.4)
joint resolution requesting amendments.....	('51:J.R.16) 737, 738
joint resolution requesting authority	
to exchange lands.....	('51:J.R.14) 735, 736
lands, joint resolution requesting transfer of.....	('51:J.R.8) 724-729
membership, request for amendment of law.....	('51:J.R.22) 743-745
surveys, Waimea, Hawaii; Anahola, Kauai.....	('45:c.232,F-245)
Waialuku, Maui, lands.....	('45:J.R.6)
water, improvements	('47:c.215,F-216)
water facilities, Molokai	(Sp.'49:c.47,F-63)
water storage, Hoolihua.....	('47:c.63,F-236)
HAWAIIAN RECORDS	
translations as evidence.....	('45:c.54,D-209)
HEALTH	
agents, inspectors, § 2010.....	('45:c.209,A-41)
See below "marriage, agents to license"	
antitoxins, vaccines, etc., § 2305.....	('45:c.191,A-46)
appropriations, 1951-1953	('51:c.318,F-274) 665
bakers, flour enrichment.....	('45:c.101,A-45)
barbering; regulation	('47:c.194,A-44)
beauty culture, regulation of.....	('49:c.397,A-62)
See Beauty Culture	
births, deaths, etc., registration of.....	('49:c.327,A-92)
See Vital Statistics	
board, appointment, qualifications,	
tenure, etc.	('51:c.292,A-52) 156, 157
board of, qualifications of members.....	('49:c.208,A-58)
building conditions, § 2015.....	('45:c.118,A-42)
buildings, spitting prohibited.....	('45:c.66,A-48)
business, places of, etc., § 2015.....	('45:c.116,A-42)
cancer control, bureau of, powers, duties, etc.....	('49:c.79,A-61)
chiropractic, license, examination, revocation, etc.....	('49:c.151,A-65)
chiropractic penalties	('47:c.94,A-46)
civil defense law.....	('51:c.268,E-253) 606-636
See Civil Defense	
cold storage, iced fish.....	('47:c.187,A-49)
copies of records of vital statistics, fees for.....	(Sp.'49:c.34,A-13)
cosmeticians, tattoo artists.....	('45:c.140,A-43)
dental health, division of.....	('49:c.208,A-58)
director, duties and powers.....	('49:c.208,A-58)
dental health advisory committee.....	('49:c.208,A-58)
dental hygienists, examination of.....	('49:c.59,A-67)
dentistry, dental hygienists.....	('45:c.118,A-44)
dentistry law amendments.....	('49:c.177,A-66)
dentistry law amendments.....	('47:c.170,A-47)
diphtheria, immunization	('45:c.171,A-49)
exceptional children, physiotherapy and	
occupational therapy for.....	('51:J.R.32) 754, 755
exemptions, vaccination, etc.....	('45:c.171,A-49)
farm advisory board, representative on.....	('49:c.235,A-31)
farm produce, certifying as unfit.....	('49:c.114,A-41)
field nutritionist for rural Oahu.....	('51:c.305,F-322) 712
food, enrichment of flour.....	('45:c.101,A-45)
See topic "Flour, etc."	
food dispensaries, § 2015.....	('45:c.116,A-42)
forms, vaccination, immunization.....	('45:c.171,A-49)
government physician, Waiānae-Nanakuli	
district	(Sp.'49:c.60,F-67)
Hansen's disease:	
administration of all functions, powers and	
duties relating to sufferers to board.....	('49:c.109,A-73)
care of patients in other hospitals or homes,	
permitted when	('49:c.392,A-74 and c.80,A-75)
change in terminology from "leprosy".....	('49:c.53,A-72)

CUMULATIVE INDEX

	PAGE
HEALTH—continued	
Hansen's disease:—continued	
children of Hansen's disease parents.....('51:c.24,A-95)	245
establishment of hospitals, etc.....('51:c.157,A-58)	166, 167
hospital on Oahu,	
establishment of('49:c.53,A-72 and c.109,A-73)	
labor of patients, pay, vacations..('49:c.371,A-76 and c.378,A-77)	
meetings of board.....('51:c.31,A-59)	170, 171
meetings of board at Kalaupapa and Kallhi.....('49:c.80,A-75)	
penalty for violation.....('51:c.157,A-58)	170
pictures, taking of, prohibited when, penalty.....('49:c.80,A-75)	
powers and duties of board of health.....('51:c.157,A-58)	166-170
rules and regulations.....('51:c.157,A-58)	169
treatment and care of patients.....('49:c.80,A-75)	
Hawaiian herbs, plants, permits to use,	
revocation, suspension('49:c.121,A-82)	
health insurance, etc., study of.....('45:J.R.12)	
hospitals and medical care, division of.....('51:c.129,A-57)	162-165
advisory commission, appointment,	
tenure, etc.('51:c.129,A-57)	162, 163
appropriation('51:c.129,A-57)	165
commission to replace hospital	
advisory council('51:c.129,A-57)	165
costs of medical care of indigent and	
medically indigent('51:c.129,A-57)	164
counties to make determination of	
medically indigent('51:c.129,A-57)	164
county advisory health committees.....('51:c.129,A-57)	163
definitions('51:c.129,A-57)	162
division established('51:c.129,A-57)	162
indigent persons, medical care of.....('51:c.129,A-57)	164
powers and duties.....('51:c.129,A-57)	163
rules and regulations.....('51:c.129,A-57)	165
household remedies listed by rule exempt from	
pharmacy act, § 2901 (c).....('45:c.155,A-55)	
identification certificates, entries on for	
vaccination, etc.('45:c.171,A-49)	
improvements 1947-49.....('47:c.206,E-208)	
industrial hygiene, bureau of.....('51:c.18,A-53)	157, 158
infectious diseases, etc.....('47:c.165,A-51)	
inventories to auditor, § 1651.....('45:c.151,A-31)	
Kalaupapa settlement employees, preference.....('49:J.R.22)	
laundry, potentially infectious, control of.....('49:c.22,A-68)	
lepers, labor by patients.....('45:c.159,A-50)	
lepers, pensions, employees('45:c.229,A-51)	
licenses and permits	
physicians and surgeons.....('51:c.173,A-60)	173, 174
marriage, agents to license.....('47:c.21,D-181)	
marriage, pre-marital examination.....('45:c.136,D-197)	
expenses for tests('45:c.136,D-197)	
massage, lomi-lomi('47:c.192,A-52)	
massage, lomi-lomi, regulations.....('49:c.97,A-78)	
medicine, surgery, amendments.....('47:c.201,A-53)	
medicine and surgery, practice of defined.....('49:c.63,A-79)	
medicines, rules re sale of.....('45:c.155,A-55)	
mental hygiene, child clinic.....('47:c.55,A-54)	
mental hygiene, clinics where.....('45:c.102,A-52)	
mental hygiene bureau, functions and	
charges for services.....('49:c.231,A-83)	
mental illness wards, approval of.....('49:c.337,A-104)	
mental institutions, § 2581.....('45:c.106,A-53)	
mentally ill persons, care and treatment.....('49:c.337,A-104)	
See Territorial Hospital	
Nanakuli health center, nurse.....('47:J.R.10)	
narcotic drugs, definition of.....('49:c.9,A-84)	
narcotopathy, licensing, practitioners.....('49:c.214,A-85)	
revocation or suspension of license by board.....('49:c.214,A-85)	

CUMULATIVE INDEX

HEALTH—continued

PAGE

nurses, regulations amended.....('47:c.240,A-57)	
ch. 52 amended.....('45:c.103,A-54)	
nutrition, bureau of, created.....('51:c.18,A-53)	158, 159
occupational permits, suspension.....('45:c.116,A-42)	
opticians, dispensing, licensing of.....('49:c.183,A-87)	
See Opticians	
optometry, practice of regulated.....('49:c.58,A-86)	
See Optometry	
osteopathy, license to practice, revocation	
or suspension.....('49:c.120,A-88)	
osteopathy amendments.....('47:c.185,A-58)	
Palolo exhumation.....('47:c.248,F-231)	
parks, land for, approval when.....('49:c.185,A-82)	
patent, non-poison, medicines, § 2901 (c).....('45:c.155,A-55)	
penalty, violating rules.....('47:c.82,A-43)	
pensions, definition, § 2951.....('45:c.139,A-56)	
regulation, § 2015.....('45:c.116,A-42)	
sale of, § 2952.....('45:c.189,A-56)	
pharmacists.....('49:c.175,A-89)	
See Pharmacists, Pharmacy	
pharmacists, license, § 2901.....('45:c.155,A-55)	
pharmacy act penalty, § 2902.....('45:c.155,A-55)	
places of public gathering.....('45:c.116,A-42)	
powers of board.....('49:c.71,A-59)	
powers of board, § 2015.....('45:c.116,A-42)	
president:	
appointment, duties, tenure, etc.....('51:c.292,A-52)	156, 157
children and youth commission, member of.....('49:c.294,D-287)	
preventive medicine, division of.....('51:c.42,A-63)	179, 180
public health statistics.....('49:c.327,A-92)	
See Vital Statistics	
radium, radioactive substances, purchase of.....('49:c.20,A-90)	
rodent control appropriation.....('45:c.154,F-247)	
rules, poisons, § 2952.....('45:c.139,A-56)	
rules, power of board to make.....('49:c.71,A-59)	
rules, publication of, § 2012.....('45:c.116,A-42)	
rules and regulations	
• certificates, permits or licenses.....('51:c.64,A-56)	160
ionizing radiation.....('51:c.18,A-53)	158
vaccination, etc., of school children.....('51:c.181,A-55)	159
serologic tests, syphilis.....('45:c.105,A-47)	
smallpox, vaccination.....('45:c.171,A-49)	
splitting, § 2317.....('45:c.66,A-48)	
surplus property, purchase of.....('51:c.289,A-14)	68, 69
syphilis, premarital examination.....('45:c.136,D-197)	
syphilis, reports.....('45:c.105,A-47)	
tattoo artists, regulation of.....('49:c.19,A-60)	
tubercular persons, compulsory isolation,	
hospitalization of.....('49:c.307,A-71)	
tuberculosis, examination.....('47:c.79,A-50)	
tuberculosis, free tests and treatment,	
when, where.....('49:c.90,A-70)	
tuberculosis, notice of examinations for.....('49:c.60,A-69)	
typhoid, etc., immunization.....('45:c.171,A-49)	
vaccination, etc.....('47:c.165,A-51)	
See.....('45:c.171,A-49)	
veterans' funeral expense voucher.....('45:c.198,E-210)	
veterinary medicine, surgery and dentistry.....('49:c.280,A-91)	
vital statistics, new law, provisions generally.....('49:c.327,A-92)	
See Vital Statistics	
births.....('47:c.54,A-59)	
children, lost, abandoned.....('45:c.64,A-57)	
waiver of flour enrichment.....('45:c.101,A-45,s.5)	

HEEDLESS AND CARELESS DRIVING

proof of financial responsibility	
required when.....('51:c.185,C-179)	448

HEIAUS

historical sites commission.....('51:c.36,E-248)	597, 598
--	----------

CUMULATIVE INDEX

HERBICIDES

regulation of sale and use of.....('49:c.357,A-45)
advisory committee('49:c.357,A-45)

HERBS AND PLANTS, HAWAIIAN

permits to use, revocation and suspension of.....('49:c.121,A-82)

HIGH SHERIFF

appropriations, 1951-1953('51:c.318,F-274)
fees, accounting for.....('45:c.57,D-158)
fees and costs, schedule of.....('49:c.387,D-252)
inventories to another, § 1651.....('45:c.151,A-81)
salary, appropriation('49:c.296,A-47)

HIGHWAY ENGINEER

compensation to harbor board for land taken.....('49:c.363,F-342)

HIGHWAYS

See Appropriations, County Government

assessments, credits('47:c.145,B-127)
blind with painted canes, on.....('47:c.35,A-73)
common carriers using, regulation of.....('49:c.366,A-133)
defined, control of.....('47:c.142,B-100)
eminent domain, public property.....('49:c.377,A-9)
engineer, approval of signs.....('45:c.172,A-86)
excavating, federal-aid roads.....('45:c.173,A-88)
expenditures for, § 351('47:c.18,A-13)
federal-aid, disturbing, digging of, permits
 required('45:c.173,A-88)
federal-aid, maintenance, § 4972.....('45:c.82,A-87)
 Hawaii belt road.....('45:c.28,F-243)
flood control, §§ 6233, 6521.....('45:c.190,B-125)
 Kapaa, Kauai('45:c.167,F-272)
frontage improvement project restrictions
 § 6709 waived when.....('47:J.R.23)
funds, highways, § 5260.....('47:c.196,A-83)
 also see('47:c.36,A-82)
 also, Hawaii('47:c.111,A-81)
Hawaii county; generally.....('47:c.111,A-81)
Hawaii county, improvement by assessment.....('49:c.356,B-187)
 loan fund('47:c.73,F-210)
hedges on, etc., Honolulu.....('45:c.237,B-137,s.4)
historical sites commission, powers of.....('51:c.36,B-248)
Honolulu, assessment('47:c.211,B-125)
Honolulu, bond issue for improvements.....('49:c.375,E-321)
Honolulu, improvement by assessment.....('49:c.267,B-205)
Honolulu, use of, § 6521 (2).....('45:c.27,B-131)
liens, land court, § 12641.....('45:c.255,D-205,s.1)
loan fund 1947.....('47:c.205,F-209)
 also Hawaii('47:c.73,F-210)
maintenance, tools furnished by counties.....('47:c.88,B-101)
Maul: Kahalo to Nuu.....('47:c.204,F-235)
Maul county, improvement by assessment.....('49:c.271,B-193)
obstruction of ingress or egress, penalty.....(Sp.'49:c.9,D-43)
off-street parking facilities.....('45:c.225,B-134)
post-war reconstruction('45:c.164,A-89)
public, defined; control.....('47:c.142,B-100)
public lands('47:c.107,A-68)
repair funds requested.....('47:J.R.21)
road fund('45:c.83,A-111)

See Appropriations, Loan Fund, Taxation

shade tree trimming, Honolulu.....('45:c.237,B-137,s.4)
sidewalks, § 6133 repealed.....('47:c.7,B-102)
sidewalk cleaning, Honolulu, Wahiawa, § 6135.....('45:c.68,B-121)
sidewalks, Hilo, Honolulu, Wahiawa, § 6130.....('45:c.68,B-121)
signs on federal-aid roads.....('45:c.172,A-86)
streets, roads, etc., in subdivisions, duty of
 counties to accept.....('49:c.74,B-171)
territorial highway fund, disposition of
 certain income('51:c.251,A-114)

PAGE

665

598

275

841

CUMULATIVE INDEX

	PAGE
HIGHWAYS—continued	
trails to sea.....	('45:c.96,A-76)
Wahiawa Water Co.	('47:c.237,E-193,s.4)
weight and size of vehicles.....	('49:c.94,D-274)
HILO	
See Hawaii County	
building, zoning	('47:c.76,B-109)
also, planning	('47:c.77,B-108)
sewer fund, § 6380.....	('47:c.222,B-113)
See loan fund acts	
HILO ELECTRIC LIGHT COMPANY	
franchise amendments	('51:c.66,E-260)
franchise amendments	('49:c.251,E-815)
HILO MEMORIAL HOSPITAL	
managing committee for	(Sp.'49:c.48,B-26)
qualification of members, § 6385.....	('45:c.29,B-127)
superintendent, qualifications	('49:c.18,B-184)
HISTORICAL SITES COMMISSION	
appointment, members, tenure.....	('51:c.36,F-248)
county advisory committees.....	('51:c.36,E-248)
government agencies to render aid.....	('51:c.36,E-248)
highways, public construction, restrictions...	('51:c.36,E-248)
powers and duties.....	('51:c.36,E-248)
	597, 598
HOLDOVER COMMITTEE	
creation of, powers and duties, appropriation.....	('49:c.61,E-312)
hearings and procedure, generally.....	(Sp.'49:c.40,A-7)
See Legislature, subhead, hearings and procedure	
HOLIDAYS	
Kuhlo Day	('49:J.R.15,A-1)
Roosevelt Day	('45:J.R.8)
HOME EXEMPTION	
real property taxation	(Sp.'49:c.64,A-18)
HOMES	
picketing of unlawful, penalty.....	(Sp.'49:c.8,D-44)
HOMESTEAD LEASES	
fee simple patents to be granted for.....	('49:J.R.12)
HONOLULU	
See Appropriations, County Government	
advisory health committee, appointment of...	('51:c.129,A-57)
airport hazard relations	('45:c.182,A-85,s.4)
Ala Wai bridges.....	('47:c.48,E-196)
Ala Wai golf course, appropriation for.....	('49:c.299,F-376)
ambulance service to be rendered free in	
emergencies	('49:c.246,B-162)
appropriations, parks	('47:c.120,B-128)
school buildings, etc.	('47:c.205,F-209)
police, § 6812	('45:c.91,B-138)
assignment of salaries, valid when.....	('49:c.265,B-198)
attorney:	
automobile dealers, salesmen board, duties..	('51:c.90,C-177)
injunction proceeding to enforce subdivision	
regulations	('49:c.222,B-204)
motor vehicle safety responsibility act,	
duties under	('49:c.393,C-224)
public utility labor law, duties under.....	('49:c.146,A-109)
redevelopment agencies, council for.....	('49:c.379,B-175)
	163
	443

CUMULATIVE INDEX

HONOLULU—continued attorney—continued

PAGE

strikes against government, powers and duties..(Sp.'49:c.42,A-9)	
unclaimed property, retained as evidence when..('49:c.319,B-165)	
attorney representing police, § 6017.....('45:c.162,B-119)	
attorneys as masters.....('45:c.95,A-10)	
auditor: accounting procedures, § 6594.....('45:c.138,B-135)	
auditor, deductions from payroll for dues and insurance premiums.....('49:c.275,A-48)	
auditor, duties, § 6594.....('47:c.234,B-123)	
automobile dealers' and salesmen's licenses..('51:c.90,C-177)	433-446
See Automobile Dealers and Salesmen	
bond issues:	
Kapiolani park.....('49:c.285,E-320)	
parks and playgrounds, request for.....('51:J.R.36)	757-759
sewerage systems.....('49:c.270,E-319)	
street improvements.....('49:c.376,E-321)	
bond issue for improvement districts, approval requested.....('49:J.R.30)	
bond issue for parks, approval requested.....('49:J.R.23)	
bond issue for sewerage system, approval requested..('49:J.R.26)	
bond loan fund created.....('51:c.205,B-160)	411
bonds, sewers('47:c.68,F-213)	
also.....('47:c.69,F-214)	
also.....('47:c.215,F-216)	
also.....('47:J.R.19)	
branch banks.....('47:c.4,C-133)	
cemeteries, improvement, etc.....('45:c.129,F-237)	
upkeep, certain.....('45:c.128,F-236)	
civil defense law.....('51:c.268,E-253)	606-636
See Civil Defense	
civil service law.....('51:c.319,A-2)	2-27
See Civil Service	
clerk:	
additional voting booths or units, duties regarding.....('51:c.309,A-4)	48
political parties, list of officers to be furnished to.....('51:c.310,A-7)	51
voting machines.....('49:c.318,A-7)	
See Elections	
commercial rent control.....('45:c.69,E-215,s.3)	
compensatory time off for overtime work.....(Sp.'49:c.36,A-6)	
controller:	
bond loan fund created.....('51:c.205,B-160)	411
general emergency reserve fund.....('49:c.160,B-203)	
temporary transfers or loans, authorized when.....('51:c.205,B-160)	411
costs of highway improvement.....('47:c.211,B-125)	
detention home improvements.....('47:c.205,F-209)	
See.....('45:c.35,D-162,s.3(d))	
disaster relief organization.....('49:c.320,E-305)	
disqualifications, officers.....('47:c.131,B-118)	
district magistrate.....('47:c.173,D-155)	
election ballots, destroying, § 6559.....('45:c.236,B-123)	
elections, registration of voters by clerk's subordinate.....('47:c.151,A-5)	
elections, special.....('47:c.131,B-118)	
eminent domain, public property.....('49:c.377,A-9)	
eminent domain dispute with university settled.....('47:J.R.13)	52-61
eminent domain proceedings.....('51:c.12,A-8)	
See Eminent Domain	
employees, residence, citizenship requirements....('49:c.190,A-10)	
employment to be authorized by board.....('51:c.25,B-156)	403
excess liabilities, power to incur, repayment.....('49:c.342,A-159)	
expenditure of public money.....('51:c.227,78,A-9,A-10)	62-64
expenditures in excess of available funds, authorized when.....('49:c.342,A-159)	
federal-aid highways, maintenance from territorial funds, § 4972.....('45:c.82,A-87)	
federal-aid roads, excavating.....('45:c.173,A-88)	

CUMULATIVE INDEX

HONOLULU—continued

PAGE

fire boat, operation and maintenance of.....	('51:c.175,E-257)	642, 643
fire chief, etc., salaries.....	('47:c.108,B-121)	
fire department, salaries.....	('51:c.317,B-159)	408-410
fire department, salaries.....	('49:c.233,A-3)	
fire department and fire regulations.....	('49:c.247,B-196)	
fire limits, rules limited.....	('47:J.R.17)	
fire limits, suspension of.....	('49:J.R.8)	
fire protection, Honolulu harbor, contract for personnel.....	(Sp.'49:c.30,F-56)	
fire protection, Honolulu harbor, contract for personnel.....	('49:c.333,F-341)	
firemen, pay, § 6552-53.....	('45:c.263,A-4,s.4)	
flood control, § 6521 (43).....	('45:c.190,B-125)	
flood control projects, bond issue.....	('51:c.204,B-262)	647
flood control projects, bond issue, request for....	('51:J.R.23)	745
flood control projects, issuance of bonds for.....	('49:c.273,B-197)	
frontage improvement restrictions in § 6709 waived when.....	('47:J.R.28)	
frontage tax refund.....	('47:c.223,F-230)	
fuel tax special fund.....	('51:c.302,A-120)	286-288
fund balances, emergency reserve fund.....	('49:c.160,B-203)	
fund balances, etc., § 6591.....	('47:c.163,B-122)	
funeral escort by police to be furnished free.....	('49:c.193,B-163)	
gift property, reconveyance, § 6521 (35A).....	('45:c.97,B-132)	
Hawaii housing authority, gifts to and from, furnishing of services, etc.....	('49:c.263,B-166)	
Hawaii housing authority projects, garbage disposal services for.....	(Sp.'49:c.20,B-23)	
Hawaii housing authority to be furnished certain services free of charge.....	('49:c.281,B-167)	
Hawaiian Homes, aid to.....	('47:c.215,F-216)	
highway: (See that topic)		
assessments, credits.....	('47:c.145,B-127)	
by assessment.....	('47:c.211,B-125)	
worker's tools.....	('47:c.88,B-101)	
historical sites committee.....	('51:c.36,E-248)	598
Honolulu Rapid Transit.....	('47:c.133,E-192)	
hospitals: See that topic		
buildings.....		
improvements by assessment.....		
costs borne by municipality.....		
determination by supervisors.....		
hearing.....		
method, generally.....		
planning commission approval.....		
procedure after hearing.....		
procedure for proposed improvements.....		
water systems, apportionment of costs, inspection by board of water supply.....	('49:c.267,B-205)	
inventory of government property.....	('51:c.20,A-42)	136
jailor, appointment, duties, etc.....	('51:c.113,A-71)	193
Kalawao street improvement.....	('49:c.290,F-375)	
Kalihi tunnel, bond issue.....	('51:c.265,E-263)	648, 649
Kalihi tunnel, request for federal aid.....	('51:J.R.29)	749, 750
Kawainui swamp flood control agreement.....	('49:J.R.3)	
Keopua street retaining wall, appropriation for....	('49:c.286,F-374)	
Koolau tunnel bonds.....	('47:c.95,F-211)	
Leahi home: See Biennial Appropriations		
buildings.....		
improvements to.....	('47:c.205,F-209)	
§ 6524, repealed.....	('45:c.276,F-249)	
libraries, construction.....	('45:c.93,B-126)	
library of Hawaii.....	('45:c.72,F-238)	
See Biennial Appropriations		
library Waialua.....	('47:c.219,F-223)	
loan fund act of 1951.....	('51:c.321,B-268)	654-659
loan fund act of 1949.....	('49:c.400,E-325)	
loan fund 1947.....	('47:c.205,F-209)	
loans from territorial treasurer, authorized when....	('49:c.342,A-153)	
loyalty board.....	('51:c.256,A-20)	85-87
See Loyalty Board		

CUMULATIVE INDEX

HONOLULU—continued

PAGE

loyalty oath required of employees.....('49:c.137,A-21)	
master plan by end of 1947.....('47:c.217,B-124)	
notice of hearing for airport zoning.....('45:c.182,A-85,s.5)	
mayor:	
children and youth committee, appointment....('49:c.294,D-287)	
five day week, approval of.....('49:c.232,A-16)	
McKinley school, veterans('47:c.65,F-222)	
medical care of indigents.....('51:c.129,A-57)	162-165
mental illness wards('49:c.337,A-104)	
motor vehicles, off-street parking, etc.....('45:c.225,B-134)	
motor vehicles, owned by, regulations, penalty....('49:c.389,A-14)	
office hours('49:c.232,A-16)	
ordinances conflicting with park board act	
are repealed('45:c.237,B-187,s.10)	
Palolo exhumations('47:c.248,F-231)	
parking, off-street facilities authorized....('51:c.108,B-155)	402, 403
parking, off-street, facilities authorized, bonds....('49:c.153,B-169)	
parks, bonds('47:c.66,F-212)	
parks and recreation, board, etc.....('45:c.237,B-187)	
concessions, disposition of revenues.....('51:c.215,B-161)	413, 414
See Parks and Recreation	
parks, recreation control('47:c.120,B-128)	
parks, Waikiki beach('45:c.141,B-133)	
Pauoa Road('47:c.24,F-247)	
pension, limitation('47:c.153,B-104)	
pensions, computation of service.....(Sp.'49:c.58,B-24)	
pensions, eligibility, payments.....('49:c.156,B-172)	
amount('49:c.250,B-173)	
per diem employees, hours of work.....('51:c.231,A-13)	67
police:	
attorney representing, § 6017.....('45:c.162,B-119)	
balances, § 6812('45:c.91,B-138)	
deputy chief, salary('47:c.11,B-120)	
over-time pay('49:c.398,F-377)	
pay, §§ 6550-51('45:c.263,A-4,s.4)	
road fund restrictions, §§ 6007, 6526.....('45:c.83,A-111)	
salaries('51:c.261,B-158)	405-407
service of process('47:c.139,B-129)	
public parks and playgrounds,	
bond issue for.....('51:c.255,E-264)	649-651
public prosecutor:	
automobile dealers, salesmen board, duties.('51:c.90,C-177)	443
coroner's inquests, may order autopsy when....('49:c.355,D-280)	
motor vehicle safety responsibility act,	
duties under('49:c.393,C-224)	
nuisances, proceedings to enjoin.....('49:c.40,D-263)	
public school purposes, bond issue for....('51:c.288,E-265)	651-653
public welfare recipients, work by.....('51:c.291,A-102)	252, 253
purchases under, over \$2500.00.....('47:c.18,A-13)	
re-employment upon termination of	
military service('51:c.262,A-19)	77, 78
reimbursements by territory.....('51:c.273-277,F-312-F-316)	705-708
relief of certain investigators.....('47:c.162,F-246)	
D & M contractors.....('47:c.67,F-245)	
excess war costs('45:c.260,F-262)	
Moses Akiona('47:c.46,F-244)	
Wright, Marshall('47:c.236,F-248)	
road fund, §§ 5713, 6526, 6772.....('45:c.83,A-111)	
See 1947 Supplement, Taxation	
salaries:	
appointive officers('49:c.143,B-199)	
fire department, chief('49:c.351,B-202)	
officers('51:c.243,B-157)	404
police department. .('49:c.140,B-200,c.341,B-201 and c.351,B-202)	
salaries, officers, § 6548('47:c.210,B-119)	
salaries fixed by ordinance.....('51:c.25,B-156)	403
salary standardization law.....('51:c.320,A-3)	28-47
See Salary Standardization Law	

CUMULATIVE INDEX

HONOLULU—continued

PAGE

sanitary sewers, assessing cost.....	('47:c.44,B-126)	
sewer bonds, Kaimuki	('47:c.68,F-213)	
generally	('47:c.69,F-214)	
Hawaiian homes	('47:c.215,F-216)	
resolution	('47:J.R.19)	
sewerage systems, charges, lien.....	('49:c.41,B-195)	
shade tree trimming, § 8768.....	('45:c.237,B-137,s.4)	
sheriff, deputies, number of.....	('51:c.266,C-181)	452
sidewalks, cleaning, § 6135	('45:c.68,B-121)	
construct, etc., § 6130	('45:c.68,B-121,s.1)	
§ 6133 repealed	('47:c.7,B-102)	
storm drainage, etc., § 6521 (43).....	('45:c.190,B-125)	
streets, use of, § 6521 (2).....	('45:c.27,B-131)	
strikes against government, prohibited.....	(Sp.'49:c.49,A-9)	
subdivisions, duty to maintain		
improvements in	('49:c.74,B-171)	
streets, roads, etc., in, to be accepted.....	('49:c.74,B-171)	
subdivisions, regulations controlling	(Sp.'49:c.37,B-29)	
subdivisions, regulations controlling	('49:c.222,B-204)	
See Subdivisions		
supervisors: See Elections, Retirement		
flood control, § 6521 (43).....	('45:c.190,B-125)	
gift property, reconveyance, § 6521 (35A).....	('45:c.97,B-132)	
parking facilities, etc.	('45:c.225,B-134)	
parks, purchase, sale of, § 6769.....	('45:c.237,B-137,s.5)	
powers restricted as to signs on federal-aid		
highways	('45:c.172,A-86)	
streets, regulating use, § 6521 (2).....	('45:c.27,B-131)	
temporary transfers or loans, authorized... ..	('51:c.205,B-160)	411
surplus property, purchase of.....	('51:c.289,A-14)	68, 69
surveyor, territorial, maps to be filed with... ..	('51:c.283,A-91)	239
tax, extra	('47:c.196,A-83,s.5)	
tax exemption of property made useless by		
ordinance restrictions, etc.	('45:c.88,A-97)	
temporary transfers for loans of moneys....	('51:c.205,B-160)	411
territorial parks, contributions to.....	('49:c.185,A-82)	
treasurers:		
bond loan fund created.....	('51:c.205,B-160)	411
custodian of security under motor vehicle		
responsibility act	('49:c.393,C-224)	
motor vehicles, licensing of.....	('51:c.222,162,A-125,A-126)	308-314
tax lien and encumbrance record.....	('49:c.164,C-216)	
unclaimed property, duties relating to.....	('49:c.319,B-165)	
truant officers, eliminated	('45:c.156,A-38)	
university land transfer, payment, etc.....	('49:c.195,F-355)	
urban redevelopment act	('49:c.879,B-175)	
See Urban Redevelopment Act		
vacations	('49:c.169,A-18)	
vacations of public employees.....	('51:c.326,A-17)	74, 75
veterans' affairs committees.....	('51:c.75,E-252)	605
Wahlaawa Water Company	('47:c.237,E-193)	
Waikiki beach acquisition	('45:c.141,B-133)	
Waikiki beach patrol, transfer of.....	('49:c.127,B-207)	
Waikiki war memorial natatorium, transfer of....	('49:c.6,B-206)	
war memorial	('47:c.206,F-208)	
warning systems, appropriations for.....	('49:c.198,F-358)	
Washington intermediate school, lighting		
of grounds	('49:c.138,F-372)	
water supply, loans to.....	('47:c.167,A-93)	
water works, outside of Honolulu district.....	('49:c.41,B-195)	

HONOLULU HARBOR

drawbridge across second channel, operation of....('49:c.105,A-144)

HONOLULU RAPID TRANSIT

franchise amendment

franchise and amendments.....('47:c.133,E-192)

See Public Carriers, Public Utilities

HORSES

unbranded, owners of.....('51:c.32,A-30) 109

CUMULATIVE INDEX

HOSPITALS	PAGE
ambulance service by counties free in emergencies. ('49:c.246,B-162)	
appropriations, 1951-1953 ('51:c.318,F-274)	666-668
building plans, approval of fire marshal..... ('45:c.166,C-150)	
coroner's inquests ('49:c.355,D-260)	
records available to coroner, when..... ('49:c.355,D-260)	
Hansen's disease patients, administration and treatment by board of health..... ('49:c.109,A-73)	
Hilo Memorial, members, \$ 6385..... ('45:c.29,B-127)	
Hilo Memorial hospital, managing committee.... (Sp.'49:c.48,B-26)	
Honokaa, Hawaii ('47:c.138,F-229)	
See ('45:c.277,F-242)	
improvements 1947-49 ('47:c.206,F-208)	
also ('47:c.205,F-209)	
Kauai veterans memorial hospital..... ('51:c.73,B-146)	355-357
laundry, potentially infectious from, control of.... ('49:c.22,A-68)	
Leahi home: territorial ('45:c.276,F-249)	
See Honolulu, also biennial appropriation Acts	
loan fund 1947..... ('47:c.205,F-209)	
Maul hospital managing committee..... ('49:c.5,B-189)	
Maul managing committee, §§ 6459-64 repealed.... ('45:c.41,B-130)	
medical care of indigents..... ('51:c.129,A-57)	162-165
mentally ill persons, temporary care of..... ('51:c.219,A-73)	195
mentally ill persons, treatment and care of..... ('49:c.337,A-104)	
See Territorial Hospital	
public health reports, duty to make..... ('49:c.327,A-92)	
Puunahale and Hilo Memorial Hospital..... ('51:c.29,B-140)	346, 347
service study commission ('45:J.R.12)	
territorial: See that topic	
tubercular persons, compulsory isolation,	
hospitalization of ('49:c.307,A-71)	
tuberculosis, county support terminated..... ('45:c.93,B-126)	
See Biennial Budget	
workmen's compensation reports, duty to make... ('49:c.203,A-129)	
HOSPITALS & SETTLEMENT	
airport, Kalaupapa ('45:c.153,F-232)	
board of hospitals and settlement abolished,	
transfer to board of health..... ('49:c.109,A-73)	
See Health, Hansen's Disease	
Kalaupapa cable-way, etc. ('45:c.203,F-235)	
lepers, labor by ('45:c.159,A-50)	
pensions of laborers..... ('45:c.229,A-51)	
HOTELS	
plans, approved of fire marshal..... ('45:c.166,C-150)	
HOURS OF LABOR	
compensatory time off for overtime work,	
government employees (Sp.'49:c.36,A-6)	
county per diem employees..... ('51:c.231,A-13)	67
See Labor	
public officials and employees..... ('49:c.232,A-16)	
public works ('51:c.139,A-12)	65, 66
HOUSE OF REPRESENTATIVES	
hearings and procedure (Sp.'49:c.40,A-7)	
See Legislature, subhead, hearings and procedure	
HOUSING AUTHORITY	
See Hawaii Housing Authority	
powers enlarged ('47:J.R.4)	
temporary loans to ('47:c.167,A-93)	
university projects ('47:c.141,A-42)	
HOUSING PROJECTS	
government aid for..... ('51:c.122,A-67)	190

CUMULATIVE INDEX

	PAGE
HUNTING	
agents of agriculture, fish & game, etc.	
power to enforce other laws.....('47:c.13,A-26)	
agents to sell licenses for.....('49:c.82,A-28)	
firearms, possession of, regulated.....('51:c.304,C-168)	421
game birds, open season.....('47:c.29,A-30)	
game birds, open season, definitions, penalty.....('49:c.145,A-24)	
game mammals, defined.....('49:c.186,A-33)	
game reserves, refuges, public shooting	
grounds, establishment of.....('51:c.6,A-31)	110, 111
game warden, interference with.....('47:c.30,D-168)	
gear, forfeited when.....('47:c.14,A-27)	
hunters, carrying and using firearms.....('51:c.304,C-168)	421
license, fee, penalty, etc.....('49:c.84,A-29)	
seizure, forfeiture of hunting gear.....('49:c.66,A-30)	
HUSBAND AND WIFE	
community property.....('45:c.273,D-201)	
community property law amendments.....('49:c.242,D-296)	
contracts of wife, § 12366.....('45:c.5,D-198)	
contributing to delinquency of minor.....('45:c.187,D-198)	
control of property.....('45:c.273,D-201,s.8-11)	
creditor's claims, § 12022.....('45:c.273,D-201)	
curtesy, § 12115.....('45:c.273,D-201)	
death, property division.....('45:c.273,D-201,s.15)	
desertion and non-support.....('51:c.257,D-237)	581, 582
desertion and non-support.....('49:c.333,D-232)	
divorce, injunction.....('47:c.122,D-173)	
divorce, property division.....('45:c.273,D-201,s.14)	
See Children, Divorce, Marriage	
domicile, property rights.....('45:c.273,D-201,s.17)	
dower, § 12100.....('45:c.273,D-201)	
dower, curtesy, barred by divorce	
misconduct when.....('45:c.212,D-192)	
husband, necessary party, in actions affecting	
community property.....('45:c.273,D-201,s.12)	
husband's liabilities, § 12372.....('45:c.273,D-201)	
incapacity of spouse.....('45:c.273,D-201,s.11)	
joint returns under income tax law, rate.....('49:c.243,A-156)	
liability of husband for support.....('45:c.273,D-201,s.13)	
minor veterans, loans.....('47:c.9,D-174)	
parties, community property cases.....('45:c.273,D-201,s.12)	
property subject to obligations.....('45:c.273,D-201,s.13)	
separate obligations, §§ 12373-75, repealed.....('45:c.273,D-201)	
separate property.....('45:c.273,D-201,ss.1-3)	
support, enforcement of.....('51:c.216,D-238)	582-586
See Desertion and Non-Support	
transfers of community property.....('45:c.273,D-201,s.7)	
veteran's estate.....('47:c.202,D-186,s.14)	
wife not liable for husband's debts.....('45:c.254,D-199)	
work and labor, separate account, § 12367, repealed.....('45:c.273,D-201)	
IDENTIFICATION CERTIFICATES	
bureau of identification.....('47:c.246,A-38)	
immunization record on.....('45:c.171,A-49)	
(under defense rules)	
ILLEGITIMATES	
arrest of alleged father, etc.....('45:c.177,D-195,s.4)	
See Paternity Proceedings	
bond after judgment.....('45:c.177,D-195,s.4)	
issuance of warrant, etc.....('45:c.177,D-195,s.2)	
paternity proceedings, expenses.....('47:c.57,D-176)	
paternity proceedings:	
public health records as evidence in.....('49:c.327,A-92)	
prenatal expenses, etc.....('45:c.177,D-195)	
trial, etc.....('45:c.177,D-195,s.3)	
IMMUNIZATION	
See Health	
§§ 2334-37, amended.....('47:c.165,A-51)	
Diphtheria, smallpox, typhoid.....('45:c.171,A-49)	

CUMULATIVE INDEX

	PAGE
IMPORTERS	
agricultural commodities	('45:c.252,A-29)
feed stuffs	('47:c.84,A-86)
food products	('47:c.195,A-85)
seed, licenses, § 1354.08	('45:c.90,A-80)
IMPROVEMENT BY ASSESSMENT	
credits on assessment	('47:c.145,B-127)
Hawaii county	('49:c.356,B-187)
Hawaii county, definitions	(Sp.'49:c.33,B-27)
Honolulu	('49:c.267,B-205)
Kauai county	('51:c.290,B-150)
liens, land court, § 12641.....	('45:c.255,D-205,s.1)
Maul county	('49:c.271,B-193)
sewers, Honolulu	('47:c.44,B-126)
sidewalks, construction, cleaning	('45:c.68,B-121)
See Appropriations, County Government, Public Works	
INCOME TAX	
See Taxation	
INDIGENT PERSONS	
burial of, § 4828	('47:c.22,A-70)
expense, transportation mental hygiene.....	('47:c.101,A-56)
Kauai, dental care	('45:c.6,B-129)
medical care of.....	('51:c.129,A-57)
	162-165
INDUSTRIAL ACCIDENTS	
See Workmen's Compensation	
INDUSTRIAL HYGIENE	
bureau of, created, powers, etc.....	('51:c.18,A-53)
	157, 158
INDUSTRIAL LIFE INSURANCE	
defined	('49:c.209,C-243)
INDUSTRIAL LOANS	
fee, annual license.....	('51:c.88,C-212)
licenses	
suspension, revocation or surrender of.....	('51:c.87,C-214)
refunds, repayment	('51:c.97,C-213)
	522
	523, 524
	523
INDUSTRIAL RESEARCH ADVISORY COUNCIL	
appointment of members.....	('51:c.217,A-37)
appointment of members.....	('49:c.122,A-43)
appropriations	('51:c.217,A-37)
appropriations, allocation of grants, etc.....	('49:c.122,A-43)
federal funds, use of.....	('49:c.122,A-43)
powers and duties	('49:c.122,A-43)
program to be conducted.....	('51:c.217,A-37)
program to be conducted.....	('49:c.122,A-43)
	122, 123
	124, 125
	123-125
INDUSTRIAL SAFETY, BUREAU OF	
creation, powers, etc.	('47:c.64,A-65)
fees	('49:c.133,A-114)
INDUSTRIAL SCHOOLS	
See Institutions	
accounts inactive, of pupils.....	(45:c.65,A-59)
claims against pupils.....	('45:c.137,A-60)
establishment, supervision of.....	('51:c.212,A-68)
forestry camp	('51:c.54,A-69)
names of schools.....	('51:c.54,A-69)
superintendent and assistant.....	('51:c.212,A-68)
Waialeale school site	('45:c.170,F-251)
also	('47:c.205,F-209,p.483)
	190, 191
	192
	192
	190, 191

CUMULATIVE INDEX

PAGE

INDUSTRY

See Labor
seasonal pursuits('45:c.179,A-70)

INFECTIOUS DISEASES

See Diseases, Etc., Health

INGRESS OR EGRESS

obstruction of, penalty(Sp.'49:c.9,D-48)

INHERITANCE TAX

See Taxation

INJUNCTIONS

aeronautics, enforcement('47:c.32,A-75,s.18)
agricultural commodities control('45:c.252,A-29)
agricultural cooperative contracts, enforcement by('49:c.234,C-230)
airport zoning('45:c.182,A-85,s.12)
auction law violations('51:c.196,C-162) 415, 416
automobile dealers and salesmen law,
proceedings to enforce('51:c.90,C-177) 445
automobile dealers and salesmen law,
proceedings to enforce('49:c.163,C-220)
common nuisances, abatement and prevention of,
procedure('49:c.40,D-263)
divorce, in aid of('47:c.122,D-173)
foreign language school law, enforcement by('49:c.72,A-55)
fraud in sale of U. S. goods('45:c.214,C-152)
industrial safety violations('47:c.64,A-65)
pharmacy law, to restrain violations of('49:c.175,A-89)
public utility labor law, enforcement by('49:c.146,A-109)
stevedoring industry labor law,
enforcement by(Sp.'49:c.62,A-15)
See Labor Disputes, Stevedoring Industry
strikes against government, jurisdiction to enjoin(Sp.'49:c.42,A-9)
subdivision regulations in Honolulu('49:c.222,B-204)

INQUESTS

coroner's('49:c.355,D-260)
See Coroner's Inquests

INSANE HOSPITAL

See Territorial Hospital; Health, subtitle Mental
veteran's guardianship('47:c.202,D-186)

INSANE PERSONS

divorce('51:c.287,R-236) 580
guardian ad litem('51:c.287,D-236) 580
support after divorce('51:c.287,D-236) 580
divorce, insanity as ground for('51:c.287,D-236) 580
mental hygiene bureau, functions of and
charges for services('49:c.231,A-83)

INSPECTORS

economic poisons('49:c.136,A-35)
economic poisons('45:c.60,A-24)
election('45:c.244,A-5)
feed stuffs('49:c.135,A-44)
feed stuffs('47:c.24,A-38,s.3)
fish reports('45:c.23,A-27)
food products('47:c.195,A-35)
health('45:c.209,A-41)
liquor, reports('45:c.217,C-141)
marketing inspection('45:c.252,A-29,s.7)
seeds('45:c.90,A-30)
veterinarian's agents('45:c.104,A-22)

CUMULATIVE INDEX

	PAGE
INSPECTORS OF ELECTIONS	
number, appointment, filling of vacancies.....(Sp.'49:c.12,A-3)	
INSTITUTIONS	
accounts inactive of pupils of industrial schools.....('45:c.65,A-59)	
appropriation for claims of Oahu prison	
employees('51:c.324,F-294)	690, 691
appropriations, 1951-1953('51:c.318,F-274)	665, 666
buildings, etc.('47:c.205,F-209)	
claims vs. industrial school pupils.....('45:c.137,A-60)	
conveying patients to territorial hospital.....('45:c.222,A-63)	
director:	
children and youth commission, member of.....('49:c.294,D-287)	
epileptics to Waimano home.....('45:c.165,A-64)	
expense of inmates, Waimano home.....('45:c.193,A-65)	
industrial schools, control of.....('51:c.212,A-68)	190, 191
Kulanui pasture development, appropriation..('51:c.150,F-282)	679
labor of prisoners, pay.....('49:c.148,A-100)	
labor of prisoners, pay, § 3936.....('45:c.247,A-61)	
Leahi: Territorial hospital('45:c.276,F-249)	
See biennial appropriation acts	
loan fund 1947('47:c.205,F-209)	
mental cases, conveyance to hospital.....('51:c.16,A-72)	194
mental hygiene clinics('45:c.102,A-52)	
See Children, Health	
Oahu prison land, sale of, disposition	
of proceeds('51:c.314,F-301)	697, 698
prison camps, transfer of prisoners to and	
imprisonment therein('49:c.238,A-98)	
prison labor, road, Mauli.....('47:c.204,F-235)	
private, mental, health approval.....('45:c.106,A-53)	
private schools('45:c.227,A-35)	
public health reports, duty to make.....('49:c.327,A-92)	
temporary transfer of inmates to territorial hospital.('49:c.50,A-105)	
terminology, "insane" to "mental illness," etc.	
changed, relating to territorial hospital.....('49:c.337,A-104)	
See Territorial Hospital	
transfer of patients from territorial hospital	
to Waimano Home('49:c.391,A-106)	
See Waimano Home	
Waialeale school site, etc.....('45:c.170,F-251)	
Waimanalo school, young boys.....('47:c.205,F-209)	
INSTRUCTION, DEPARTMENT OF	
See Education	
INSURANCE	
accident and sickness policies	
definitions, standard provisions.....('51:c.241,C-206)	488-503
adjustor's license, § 8516('47:c.89,C-141)	
agents and solicitors, licenses of.....('51:c.176,C-203)	482, 483
agents and solicitors, licenses of, exception.....('49:c.209,C-234)	
agent's license, § 8504('45:c.240,C-149)	
"alien company," § 8461('47:c.89,C-141)	
annual tax statement('45:c.240,C-149)	
annual valuation, § 8544('47:c.221,C-143)	
annuities, accident, etc., policies.....('47:c.182,C-144)	
assignee of life policy.....('47:c.182,C-144)	
assignment, limitation on('45:c.240,C-149)	
beneficiary's rights protected('45:c.240,C-149)	
bonds:	
securities may be filed in lieu of.....('49:c.209,C-234)	
burial and health, study of.....('45:J.R.12)	
casualty, motor vehicle, rates.....('47:c.60,C-145)	
penalties('47:c.60,C-145)	
claimants inter se('47:c.182,C-144)	
commingling of funds, restrictions on.....('49:c.209,C-234)	
commissioner:	
assigned risk plans, approval of.....('49:c.393,C-224)	

CUMULATIVE INDEX

	PAGE
INSURANCE—continued	
commissioner:—continued	
unfair practices, regulations.....('51:c.298,C-207)	505-513
definitions:	
accident, health and disability.....('49:c.209,C-234)	
group life insurance.....('49:c.388,C-237)	
industrial life insurance.....('49:c.209,C-234)	
insurance terms.....('51:c.176,C-203)	482
subagent.....('49:c.209,C-234)	
domestic companies, restrictions on.....('45:c.240,C-149)	
examinations, § 8506.....('45:c.240,C-149)	
examinations, licensing of agents and solicitors.....('51:c.297,C-204)	484, 485
examinations for license.....('49:c.209,C-234)	
exempt from execution, etc.....('45:c.240,C-149)	
exemption under, § 8545 stands.....('47:c.182,C-144)	
fees, § 8460.....('45:c.240,C-149)	
fees, disposition of.....('49:c.209,C-234)	
fire, information to insured.....('47:c.89,C-141)	
fire chief, Hawaii, § 6402.....('47:c.174,B-114)	
fire insurance, New York from.....('45:c.240,C-149)	
See § 8514.....('47:c.89,C-141,p.314)	
fire, marine, ratings.....('47:c.61,C-146)	
penalties.....('47:c.61,C-146,s.15)	
fire marshal, building plans of hospitals, hotels, rooming houses, schools, churches, auditoriums, etc., to be approved by.....('45:c.166,C-150)	
fire marshal, power to make rules.....('49:c.364,C-236)	
foreign companies:	
withdrawal of.....('49:c.209,C-234)	
"foreign company".....('47:c.89,C-141)	
group life insurance.....('49:c.388,C-237)	
conversion privileges.....('49:c.388,C-237)	
definition of.....('51:c.246,C-205)	486, 487
definition of.....('49:c.388,C-237)	
standard provisions.....('51:c.246,C-205)	486, 487
standard provisions.....('49:c.388,C-237)	
guaranty bond, rates.....('47:c.60,C-145)	
health, accident, sickness	
definitions, standard provisions.....('51:c.241,C-206)	488-503
investments guaranteed by administrator of	
veterans affairs.....('45:c.223,C-147)	
Hawaii housing authority bonds.....('51:c.134,A-66)	186, 187
kinds, fire, § 8463.....('47:c.90,C-142)	
liability, motor vehicles.....('47:c.168,C-132)	
liability reserves, § 8544.....('47:c.221,C-143)	
license:	
agent, subagent, solicitor, exception.....('49:c.209,C-234)	
agents.....('51:c.176,C-203)	482, 483
conditions.....('51:c.176,C-203)	483
examinations.....('51:c.297,C-204)	484, 485
life, incontestability.....('45:c.240,C-149)	
loans; default.....('47:c.221,C-143)	
optional provisions.....('47:c.221,C-143)	
payment without notice of other claims.....('47:c.182,C-144)	
restrictions, § 8544.....('47:c.221,C-143)	
loans and mortgages insured under federal laws..(Sp.'49:c.17,C-33)	
loans and mortgages under National Housing Act.('49:c.118,C-232)	
motor vehicle: casualty rates.....('47:c.60,C-145)	
motor vehicle safety responsibility act.....('49:c.393,C-224)	
See Motor Vehicles	
over-insurance, payment; penalty.....('47:c.90,C-142)	
premiums from fiduciaries, § 8661 (e).....('47:c.125,C-147)	
rate discrimination prohibited.....('47:c.61,C-146,s.13)	
rate making:	
casualty insurance.....('47:c.60,C-145)	
fire, marine.....('47:c.61,C-146)	
rating advisors.....('47:c.60,C-145,s.10)	
also.....('47:c.61,C-146,s.10)	
rating license.....('47:c.60,C-145,s.6)	
also.....('47:c.61,C-146,s.6)	
rating penalties.....('47:c.60,C-145,s.16)	
fire ratings.....('47:c.61,C-146,s.16)	

CUMULATIVE INDEX

INSURANCE—continued

PAGE

records to be kept by agents.....	('49:c.209,C-234)	
redevelopment corporations, participation in.....	('49:c.379,B-175)	
renewal of license.....	('49:c.209,C-234)	
revenue bond projects, § 5935.....	('47:c.74,A-97)	
riders on policy, § 8514.....	('47:c.89,C-141)	
sickness, accident policies		
definitions, standard provisions.....	('51:c.241,C-206)	488-503
"state," § 8490.01	('47:c.89,C-141)	
surplus lines, records to be kept, tax.....	('49:c.369,C-285)	
taxes, § 8487	('45:c.240,C-149)	
temporary license	('45:c.240,C-149)	
time, standard	('47:c.161,A-1)	
trade practices, regulation of.....	('51:c.298,C-207)	503-513
appeals to circuit court.....	('51:c.298,C-207)	509, 510
appropriation	('51:c.298,C-207)	513
cease and desist orders.....	('51:c.298,C-207)	508, 509
commissioner, powers of.....	('51:c.298,C-207)	507
definitions, generally	('51:c.298,C-207)	504
definitions, unfair practices.....	('51:c.298,C-207)	504-507
hearings, witnesses, process, etc.....	('51:c.298,C-207)	507, 508
intervenor, appeals by.....	('51:c.298,C-207)	512
legislative declaration	('51:c.298,C-207)	503, 504
penalty for violations.....	('51:c.298,C-207)	512
powers in addition to other powers.....	('51:c.298,C-207)	512
prosecution, immunity from, when.....	('51:c.298,C-207)	512, 513
saving clause	('51:c.298,C-207)	513
undefined practices, procedure.....	('51:c.298,C-207)	510, 511
unfair practices prohibited.....	('51:c.298,C-207)	504
transportation agent, exempt when.....	('49:c.209,C-234)	
unfair practices, regulation of.....	('51:c.298,C-207)	503-513
vehicles, territorial	('47:c.245,A-94)	

INSURANCE FUND, TERRITORIAL

additional funds	('45:c.89,A-116)	
appropriation	('51:c.318,F-274)	672
bonds of public officers.....	('51:c.264,A-129)	319
motor vehicle blanket policy.....	('47:c.245,A-94)	
territorial	('51:c.264,A-129)	318-320
transfers to	('45:c.89,A-116)	
volunteers, medical aid	('45:c.257,A-75)	

INTEREST

sale, etc., of public land.....	('47:J.R.7)	
---------------------------------	-------------	--

INTERVENTION

commercial rent control	('45:c.69,E-215,B.14)	
-------------------------------	-----------------------	--

INTESTATE ESTATES

descent of property.....	('51:c.306,D-234)	577, 578
--------------------------	-------------------	----------

INTOXICATING LIQUOR

advertising on licensed premises regulated.....	('49:c.301,C-212)	
appeals to circuit judge.....	('51:c.280,C-171)	426, 427
application, filing fees required.....	('51:c.223,C-170)	424, 425
application, refusal, effect.....	('51:c.223,C-170)	425
"club," existence for one year.....	('45:c.144,C-140)	
commissions		
meetings, quorum	('51:c.223,C-170)	423
dealer, wholesale aircraft	('47:c.148,C-180)	
defense orders, appeals	('45:c.52,E-214)	
definitions	('51:c.223,C-170)	423
driving while under influence of, penalty.....	('49:c.283,D-275)	

CUMULATIVE INDEX

	PAGE
INTOXICATING LIQUOR—continued	
fair trade contracts, rules and regulations,	
enforcement	('49:c.301,C-212)
fees, filing with application	('51:c.223,C-170) 424, 425
illegal manufacture, importation or sale....	('51:c.223,C-170) 423
inspectors, reports	('45:c.217,C-141)
license:	
retail dealers, special conditions.....	('49:c.301,C-212)
revocation, suspension, penalties	('49:c.314,C-213)
transfer of regulated, penalty.....	('51:c.223,C-170) 423
transfer of regulated, penalty.....	('49:c.301,C-212)
penalties, assessment and collection of.....	('49:c.314,C-213)
persons habituated to excessive use,	
hospitalization of	('49:c.337,A-104)
prices, posting of	('51:c.223,C-170) 424
prizes, liquor not to be given as, penalty....	('51:c.223,C-170) 425
sales without license, authorized when....	('51:c.223,C-170) 425, 426
tax appeals, § 5613	('45:c.32,A-99,s.6)
tax clearance required for licensees.....	('49:c.352,A-150)
tax on sales of.....	('49:c.343,A-157)
See Taxation subhead Liquor Tax	
tax payments, § 7271	('47:c.148,C-130)
tax rate	('47:c.111,A-81)
unlicensed premises, liquor consumption	
prohibited when	('49:c.147,C-214)
INVENTORIES	
county government property.....	('51:c.20,A-42) 136
government assets	('45:c.151,A-31)
Hawaii, surplus, etc.	('47:c.144,B-111)
salary withheld for failure to file.....	('45:c.151,A-31)
to auditor, §§ 1651-52	('45:c.151,A-31)
INVESTMENTS	
common trust fund	('47:c.130,C-150)
county moneys, short term, § 6008.01.....	('45:c.43,B-113)
fiduciary, § 8661	('47:c.125,C-147)
guaranteed by administrator of veterans affairs....	('45:c.223,C-147)
guardian, veteran's estate	('47:c.202,D-186,s.13)
loans and mortgages insured under federal laws..	(Sp.'49:c.17,C-33)
loans secured under Bankhead-Jones	
Farm Tenant Act.....	('49:c.340,C-233)
powers, release of	('47:c.126,C-151)
retirement system	('47:c.223,A-24)
revenue bonds, territorial	('47:c.74,A-97)
legal investments	('47:c.74,A-97)
territorial short term	('47:c.244,A-92)
See	('45:c.59,A-113)
trust companies	('51:cc.149,286,C-208,C-209) 514
trust companies, § 8661	('47:c.125,C-147)
university projects bonds	('47:c.141,A-42)
IOLANI SCHOOL	
tax exemption	('45:c.224,A-95)
JAILS	
jailors, appointment, duties.....	('51:c.113,A-71) 193
jailors, appointment, duties	(Sp.'49:c.44,A-14)
Maui county jail.....	('51:c.105,A-70) 192
See Prisons	
JOHN RODGERS AIRPORT	
land transfer	('47:J.R.9)
terminal	('47:c.31,A-76)
JOINDER	
See Summary Possession	
summary possession cases	('45:c.216,D-175)

CUMULATIVE INDEX

JOINT RESOLUTIONS

PAGE

air cargo transportation, tax and fee exemption	('51:J.R.13)	733, 734
air cargo transportation, tax and fee exemptions.....	('49:J.R.25)	
airport construction funds	('47:J.R.2)	
airports, Kahului, Puunene	('47:J.R.18)	
American battle monuments commission, request to....	('49:J.R.29)	
bond issue, Honolulu, flood control projects.....	('51:J.R.23)	745
bond issue, Honolulu, for improvement districts.....	('49:J.R.30)	
bond issue, Honolulu, for parks.....	('49:J.R.23)	
bond issue, Honolulu, for sewerage system.....	('49:J.R.26)	
bond issue, Honolulu, Kalihi tunnel.....	('51:J.R.15)	736, 737
bond issue, Honolulu, parks and playgrounds....	('51:J.R.36)	757-759
bond issue, Maui, public improvements.....	('51:J.R.20)	741, 742
bond issue, Maui county waterworks board.....	('51:J.R.4)	720, 721
bond issue, to raise limit.....	('47:J.R.1)	
bond issues, municipal, request for legislature to fix time limit.....	('51:J.R.32)	755, 756
bonds by Honolulu for sewers.....	('47:J.R.19)	
Camp Banyan, recreational area.....	('47:J.R.11)	
cat and dog fund.....	('47:J.R.6)	
Charles Bernard Lambert Hospital.....	('51:J.R.3)	719, 720
civil air patrol, appropriation for.....	('51:J.R.30)	751, 752
civilian workers, return transportation to mainland....	('49:J.R.27)	
classification study	('47:J.R.12)	
commission on subversive activities, creation, powers and duties, etc.	(Sp.'49:J.R.5)	
See Subversive Activities Commission		
compensation of officers in the Territory paid by federal government, etc.....	('45:J.R.10)	
constitution, submission to people for ratification	(Sp.'50:J.R.1)	6-8
defense rule 74, re termination and vacation public employment	('47:J.R.16)	
defense rule 141, vacation, etc.....	('47:J.R.20)	
defense rules 105, 109 continued.....	('45:J.R.1)	
eminent domain by University.....	('47:J.R.13)	
exceptional children, physiotherapy and occupational therapy for.....	('51:J.R.32)	754, 755
exceptional children, training and care of.....	('51:J.R.31)	753, 754
federal transportation tax, request for elimination of	('51:J.R.26)	747
Filipino affairs, first circuit court.....	('49:J.R.10)	
fire limits, Honolulu, suspension of.....	('49:J.R.8)	
fire limits, Iolani Palace grounds, suspension of..	('51:J.R.25)	746, 747
fish and wildlife service, conveyance of land for..	('51:J.R.17)	738, 739
fish resources, investigation of.....	('47:J.R.2)	
flood control funds, Hanapepe, request for.....	('49:J.R.9)	
flood control projects, request for funds.....	('49:J.R.11)	
frontage improvement projects	('47:J.R.23)	
Gomez, Gerardo A., helrs, relief of.....	('49:J.R.16)	
Hawaii county library, appropriation for, approval of managing board's actions.....	(Sp.'49:J.R.3)	
Hawaii county liquor commission, refunding of fees	('51:J.R.34)	756
Hawaiian homes, Maui lands.....	('45:J.R.6)	
Hawaiian Homes amendments	('47:J.R.22)	
Hawaiian homes commission, membership of....	('51:J.R.22)	743-745
Hawaiian homes commission act, amendments requested	('51:J.R.16)	737, 738
Hawaiian homes commission lands, exchange of. ('51:J.R.14)		735, 736
Hawaiian homes commission lands, transfer requested	('51:J.R.8)	724-729
Hawaiian housing, increase of power.....	('47:J.R.4)	
health center, Nanakuli	('47:J.R.10)	
highway repair, funds for.....	('47:J.R.21)	

CUMULATIVE INDEX

	PAGE
JOINT RESOLUTIONS—continued	
holiday, Franklin Delano Roosevelt.....('45:J.R.8)	
holidays, Kuhio day('49:J.R.15)	
Honolulu, transfer of unexpended funds.....('51:J.R.7)	723
Honolulu airport, agreement re title.....('49:J.R.18)	
Honolulu fire limits('47:J.R.17)	
hospital service study commission.....('45:J.R.12)	
hydro-electric power, Kokee, Kauai.....('49:J.R.18)	
immigration and naturalization service,	
Hilo office('51:J.R.6)	722
interest, sales, etc., of public land.....('47:J.R.7)	
Iolani Palace grounds, waiver of fire limits.....('51:J.R.25)	746, 747
John Rodgers Airport, portion of to be conveyed to U.S.....('47:J.R.9)	
jurors, qualifications of.....('51:J.R.24)	746
Kalaupapa settlement employees, preferences.....('49:J.R.22)	
Kalihi tunnel, request for federal aid.....('51:J.R.29)	749, 750
Kawainui swamp flood control agreement.....('49:J.R.3)	
labors disputes curtailing commerce.....('49:J.R.17)	
legislators, disqualification of.....('51:J.R.12)	732, 733
Maui county, payment of claims.....('49:J.R.5)	
Maui county labor force to be used on drainage	
outlet project(Sp.'49:J.R.4)	
Maui county waterworks board,	
appropriation for('51:J.R.35)	756, 757
Maui county waterworks board, payment	
of claim('51:J.R.28)	748
Maui county waterworks board, revenue bonds...('51:J.R.4)	720, 721
motor vehicle weight taxes 1951, extension.....('51:J.R.1)	716
motor vehicles, taxation, regulation.....('45:J.R.9)	
national memorial cemetery, improvement of	
area contiguous to.....('49:J.R.28)	
national memorial cemetery access road.....('49:J.R.4)	
naturalization, parents loyal veterans.....('45:J.R.3)	
naturalization, war personnel.....('47:J.R.5)	
nursing education and nursing services	
commission('51:J.R.18)	739, 740
Organic Act amendments requested.....('47:J.R.25)	
Pacific war memorial commission,	
appropriation for('51:J.R.37)	759, 760
Pohakuloa; Waimoa, house lots.....('45:J.R.5)	
poll tax, cancellation of.....('49:J.R.21)	
public lands, forts, air base, request for	
return to Territory.....('49:J.R.7)	
public lands, land patents to certain lessees.....('49:J.R.12)	
public lands, sales of.....('51:J.R.10)	729, 730
public lands, sales to farmers qualified for	
Bankhead-Jones Act loans.....('51:J.R.19)	740, 741
real property taxes, remission of.....('51:J.R.5)	721
relief of Frank R. Sommerfeld.....('51:J.R.28)	748, 749
remission of taxes, Mollili community association..(Sp.'49:J.R.6)	
repeal of ss. 3, 4, J.R. 14, S.L. 1935.....('51:c.148,F-326)	716
requesting President to name Hawaii as an	
emergency unemployment region(Sp.'49:J.R.1)	
reserve officers training corps, appropriation....('51:J.R.21)	742, 743
retirement system, independent report on.....('49:J.R.19)	
retirement system, withdrawal of Le Roy Kay.....('49:J.R.24)	
return of privately owned lands acquired by U.S.....('48:J.R.20)	
revenue bonds, extension of time to issue.....('51:J.R.9)	729
revenue bonds, extension of time to issue.....('49:J.R.6)	
right of purchase lease, Ninole-Wailau, Kau,	
Hawaii('51:J.R.11)	730-732
salaries of certain officers.....('47:J.R.3)	
session laws, style of.....('45:J.R.4)	
Shingle Memorial hospital, financial aid to.....(Sp.'49:J.R.2)	
taxes, requesting federal departments	
to withhold('51:J.R.2)	717-719

CUMULATIVE INDEX

	PAGE
JOINT RESOLUTIONS—continued	
tidal wave damage, taxation.....	('47:J.R.14)
veterans, regional office.....	('45:J.R.2)
veterans' memorial cemeteries, funds for.....	('49:J.R.14)
Wailua, Kauai, house lots.....	('45:J.R.11)
Waima, Kauai, residence lots, roads.....	('45:J.R.7)
Waima public library.....	('47:J.R.15)
Waima river channel.....	('49:J.R.1,2)
war memorial	('47:J.R.24)
withholding of territorial taxes by federal departments	('51:J.R.2) 717-719
JOINT RETURN	
husband and wife under income tax law.....	('49:c.243,A-156)
JOINT TENANCY	
bank, safe deposit, trust company, duties re inheritance tax, § 5573.....	('45:c.262,A-107)
community property	('45:c.273,D-201)
embezzlement by cotenant.....	('45:c.63,D-181)
fiduciary law	('45:c.197,C-148)
inheritance tax, § 5553.....	('45:c.262,A-107)
tax lien, § 5167.....	('45:c.220,A-98,s.1)
JUDGES	
See Appeals, Courts, District Courts, Juvenile Courts	
appeals from, at chambers.....	('45:c.194,D-153)
appeals from labor board.....	('45:c.250,A-68,s.9)
assignment of circuit judges to other circuits.....	('49:c.37,D-245)
circuit judges	
first circuit, number, designation.....	('51:c.26,D-220) 556
compensation of	('45:J.R.10;J.R.8)
additional	('45:c.261,E-216)
conservator, absentee's property.....	('45:c.30,D-202)
contempt, tax hearings.....	('45:c.196,A-92,s.2)
district magistrates	
general provisions	('51:c.278,D-221) 557, 558
divorce, marriage license.....	('47:c.83,D-182)
fees, accounting for.....	('45:c.57,D-159)
jury commissioners, appointment of.....	('49:c.75,D-253)
juvenile, first circuit, salary.....	('45:c.142,D-154)
premarital examination, syphilis, authority to waive	('45:c.136,D-197)
proof of financial responsibility, waiver.....	('47:c.168,C-132)
rent control appeals.....	('45:c.69,E-216,s.12)
salaries	('51:c.72,E-254) 637
salary, resolution	('47:J.R.8)
salary addition	('45:c.261,E-216)
strikes against government, jurisdiction to enjoin.(Sp.'49:c.42,A-9)	
See Courts	
JUDGMENTS	
associations or organizations, enforcement against.(Sp.'49:c.4,D-38)	
federal, registration of.....	('51:c.295,D-246) 595, 596
filing fees	('47:c.158,D-160)
quieting title, recording of.....	(Sp.'49:c.46,D-39)
special proceedings for possession of personal property	(Sp.'49:c.7,D-41)
JUDICIAL NOTICE	
ordinances, when	('45:c.195,D-169)
JURY	
commission	
contempt, failure to return questionnaire..('51:c.35,D-227)	564, 565
questionnaires, authority to distribute.....('51:c.35,D-227)	564, 565
commissioners, appointment, qualifications, etc. ..('49:c.75,D-253)	

CUMULATIVE INDEX

PAGE

JURY—continued

contempt, failure to complete questionnaire..('51:c.35,D-227)	564, 565
fees, certificate, clerk, juror.....('45:c.62,D-163)	
fees, from another island.....('45:c.62,D-163)	
certificate, § 9798('45:c.62,D-163)	
list, limitation on.....('45:c.163,D-165)	
mileage, § 9797('45:c.62,D-163)	
certificate, § 9798('45:c.62,D-163)	
pay of, § 9797.....('45:c.62,D-163)	
certificate, § 9798('45:c.62,D-163)	
qualifications, request to permit women	
to serve('51:J.R.24)	746
qualifications, residence('45:c.163,D-165)	
qualifications of jurors.....('51:c.91,D-226)	564
questionnaires, failure to complete, contempt.('51:c.35,D-227)	564, 565
terms of court, § 9640.....('47:c.134,D-153)	
trial jury, Hawaii.....('45:c.149,D-164)	

JUVENILE COURTS

adoption proceedings, amendment of birth	
records('49:c.327,A-92)	
age limit, dependent, delinquent children.....('49:c.96,D-288)	
age limit, jurisdiction.....('47:c.56,D-177)	
appeal, § 12325.01('47:c.50,D-179)	
appeals from('49:c.45,D-292)	
care and custody of dependents and delinquents..('49:c.300,D-293)	
criminal prosecutions of minors, consent of judge. ('47:c.56,D-177)	
delinquent child('47:c.56,D-177)	
detention and release of children.....('49:c.89,D-294)	
detention home('47:c.205,F-209)	
driver's license, suspension of.....('49:c.46,D-291)	
examinations by physicians, psychiatrists,	
psychologists('49:c.331,D-295)	
expenses public welfare share (repealed).....('49:c.350,A-133)	
expenses, public welfare share.....('47:c.56,D-177)	
first circuit('45:c.142,D-154)	
illegitimates, paternity proceedings.....('45:c.177,D-195)	
judge, assignment by whom.....('45:c.142,D-154,s.6)	
judge:	
children and youth commission, committees,	
member of('49:c.294,D-287)	
judges, jurisdiction('47:c.230,D-178)	
marriage of ward.....('47:c.43,D-180)	
paternity cases('47:c.57,D-176)	
probation officer, § 9656.....('45:c.142,D-154)	
probation officers, § 12332.....('47:c.230,D-178)	
probation officers, inspection of dance halls	
and night clubs.....('49:c.159,D-246)	
procedure generally, probation,	
commitment('49:cc.46,230,D-290,291)	
records confidential when.....('47:c.56,D-177)	
referees, appointment, powers and duties.....('49:c.88,D-289)	
school attendance, enforcement.....('45:c.156,A-36)	
truancy, to education department.....('45:c.156,A-36)	

KAILUA

airport improvements('47:c.23,F-215)	
see also('45:c.153,F-232)	

KALAUPAPA

See Hansen's Disease, Health, Hospitals and Settlement

airport improvements('47:c.23,F-215)	
See also('45:c.153,F-232)	
cable-way, etc.('45:c.203,F-235)	

KALIHI TUNNEL

bond issue('51:c.265,E-263)	648, 649
bond issue, joint resolution requesting.....('51:J.R.15)	736, 737
federal aid, request for.....('51:J.R.29)	749, 750

CUMULATIVE INDEX

	PAGE
KAMEHAMEHA DAY	
appropriation for celebrations.....('51:c.131,F-283)	680
KAPIOLANI MATERNITY HOSPITAL	
appropriations, see biennial acts	
KAPIOLANI PARK	
bond issue for improvements to.....('49:c.285,E-320)	
KAPUNA	
water supply for	('45:c.130,F-268)
KAU	
electric light franchise.....('45:c.32,E-218)	
See counties; Hawaii	
KAUAI COUNTY	
See Appropriations, County Government	
admission fees, rentals, for use of parks	
and public places.....('49:c.10,B-176)	
airport, Lihue	('45:c.153,F-232)
amendment to Act 277, S.L. 1945.....('49:c.124,F-381)	
Anahola survey	('45:c.232,F-245)
bond issue, c. 251, E-320, L. 1941.....('45:c.61,F-271)	
bond issue:	
public improvements	('51:c.182,E-266) 653
public improvements	('49:c.382,E-323)
building, electrical and plumbing codes.....('49:c.157,F-383)	
cemeteries for veterans.....('47:c.214,E-190)	
civil service law	('51:c.319,A-2) 2-27
See Civil Service	
codes, enactment of by reference.....(Sp.'49:c.53,B-28)	
court house, police building.....('45:c.277,F-242)	
dentist, county appointment of authorized.....('49:c.16,B-188)	
district magistrate	('47:c.173,D-155)
electric light and power franchise, Waimea	
and Koloa	('51:c.27,E-259) 644
eminent domain proceedings.....('51:c.12,A-8)	52-61
See Eminent Domain	
erosion of beaches, survey, appropriation.....('49:c.263,F-386)	
extra tax	('47:c.196,A-83,s.7)
fire department	('51:c.51,B-149) 369-374
attendance at fire drills and fires.....('51:c.51,B-149)	372
chief engineer and assistants.....('51:c.51,B-149)	370
explosives, notice of.....('51:c.51,B-149)	373
fires, rights and duties in connection with,	
penalty for interference.....('51:c.51,B-149)	372-374
organization of department.....('51:c.51,B-149)	370
penalty for violation.....('51:c.51,B-149)	374
powers and duties of assistant engineers...('51:c.51,B-149)	371
powers and duties of chief engineer.....('51:c.51,B-149)	370, 371
salaries	('51:c.51,B-149) 371, 372
supervisors, powers of.....('51:c.51,B-149)	374
flood, drainage control.....('45:c.167,F-272)	
flood control, Hanapepe, request for funds.....('49:J.R.8)	
flood control, Waimea.....(Sp.'50:c.6)	5
flood loss, relief from taxes.....('49:cc.126,181,F-397,398)	
fuel tax special fund.....('51:c.302,A-120)	286-290
Hanapepe, roads, water.....('45:c.213,F-244)	
Hanapepe buildings	('45:c.277,F-242)
Hanapepe Heights house lots tract.....('49:c.107,F-380)	
Hanapepe library	('47:c.52,F-234)
Hawaiian Homes, roads.....('47:c.215,F-216)	
health center at Hanapepe, appropriation for....('49:c.223,F-386)	

CUMULATIVE INDEX

KAUAI COUNTY—continued

PAGE

hospital, Samuel Mahelona.....	('47:c.51,B-115)	
See Biennial appropriations		
hospitals, § 6416 repealed.....	('45:c.93,B-126)	
hydro-electric power project, Kokee.....	('49:J.R.13)	
improvement by assessment.....	('51:c.290,B-150)	375-395
assessments, amount, collection, payment.....	('51:c.290,B-150)	385, 386
bonds, improvement, authorized.....	('51:c.290,B-150)	388-390
bonds not chargeable against general		
revenues	('51:c.290,B-150)	390, 391
construction of law.....	('51:c.290,B-150)	395
contract, bids, bonds.....	('51:c.290,B-150)	383-385
costs borne by county.....	('51:c.290,B-150)	377, 378
default in payment, sale on.....	('51:c.290,B-150)	388
definitions	('51:c.290,B-150)	375
determination by supervisors.....	('51:c.290,B-150)	382, 383
exempt or public lands.....	('51:c.290,B-150)	376, 377
failure to pay installment, effect of.....	('51:c.290,B-150)	387
initial procedure	('51:c.290,B-150)	378-380
installments, payable when.....	('51:c.290,B-150)	387
lien, assessments are, priority of.....	('51:c.290,B-150)	386, 387
limitation of actions and suits.....	('51:c.290,B-150)	390
method, generally	('51:c.290,B-150)	375, 376
notice and collection of assessments.....	('51:c.290,B-150)	386
notice of improvement authorized.....	('51:c.290,B-150)	385
owners of undivided interest, payment by ..	('51:c.290,B-150)	387, 388
payment at maturity.....	('51:c.290,B-150)	390
payment before maturity.....	('51:c.290,B-150)	390
payment of assessment in bonds.....	('51:c.290,B-150)	387
petition by owners to improve.....	('51:c.290,B-150)	380-382
procedure after hearing.....	('51:c.290,B-150)	379, 380
protests, objections, suggestions by		
owners	('51:c.290,B-150)	380
public land, procedure.....	('51:c.290,B-150)	376, 377
refunding bonds authorized, procedure.....	('51:c.290,B-150)	391-395
sale of land bid in by treasurer.....	('51:c.290,B-150)	391
sewers, limitation on assessment.....	('51:c.290,B-150)	376
special fund for payment.....	('51:c.290,B-150)	389
treasurer to issue certificates		
re payments	('51:c.290,B-150)	391
water systems	('51:c.290,B-150)	378
Kapaa canal bridges.....	('45:c.277,F-242)	
Kapaa flood control.....	('45:c.167,F-272)	
Kapaa gymnasium	('47:c.41,E-195)	
Kapaa land development, appropriation.....	('51:c.79,F-317)	708, 709
Kapaa swamp fund.....	('47:c.121,F-232)	
Kapaa swamp project, claims resulting from.....	('49:c.372,F-387)	
Kapala suspension bridge.....	('45:c.277,F-242)	
Kokee road improvements, extra fuel fund.....	('49:c.213,F-384)	
Kukulula bay right-of-way.....	('49:c.24,F-378)	
libraries	('51:c.190,A-48)	147-149
See Libraries		
library, Hanapepe	('47:c.52,F-234)	
library, Waimea	('47:c.219,F-233)	
library construction	('45:c.72,F-233)	
Lihue, civic auditorium change.....	('47:c.42,E-194)	
loan fund act of 1951.....	('51:c.321,E-268)	654-659
loan fund act of 1949.....	('49:c.400,E-325)	
loan fund act of 1949,		
amendments	('51:cc.14,100,234,E-269,E-270,E-271)	659, 660
loan fund 1947.....	('47:c.205,F-209)	
officers, salaries of.....	('51:c.221,B-137)	343

CUMULATIVE INDEX

KAUAI COUNTY—continued

PAGE

Omao water system intake.....('45:c.277,F-242)	
pipeline, Waimea to Kekaha.....('45:c.277,F-242)	
plant quarantine station.....('47:c.80,F-237)	
police department.....('47:c.212,B-106)	
appropriations.....('49:c.224,B-180)	
Port Allen improvements.....('47:c.48,E-196)	
regulation of motor vehicle carriers.....('49:c.142,F-382)	
salaries, officers, § 6411.....('47:c.209,B-107)	
salary standardization law.....('51:c.320,A-3)	28-47
See Salary Standardization Law	
subdivisions.....('51:c.271,B-147)	357-362
bond, to insure completion.....('51:c.271-B-147)	358, 359
building permits, on unaccepted streets,	
prohibitions.....('51:c.271,B-147)	360
conveyances, not to be approved when....('51:c.271,B-147)	361
injunction to enforce regulations.....('51:c.271,B-147)	360
maps, approval or disapproval of.....('51:c.271,B-147)	359
minimum standards.....('51:c.271,B-147)	358, 359
minimum subdivision requirements.....('51:c.271,B-147)	357, 358
permits for installation of service utilities.('51:c.271,B-147)	359
preliminary maps.....('51:c.271,B-147)	359
sales prior to approval, prohibitions.....('51:c.271,B-147)	360, 361
streets, unapproved, restrictions.....('51:c.271,B-147)	360
subdivision defined.....('51:c.271,B-147)	358
violations, penalties, remedies.....('51:c.271,B-147)	361
supervisors, number of, § 6412.....('45:c.75,B-128)	
supervisors' meetings, § 6239.....('47:c.197,B-105)	
survey lots, etc., Anahola.....('46:c.232,F-245)	
veterans' cemeteries, appropriation for.....('51:c.179,F-290)	686
veterans' memorial hospital.....('51:c.73,B-146)	355-357
federal aid.....('51:c.73,B-146)	356, 357
managing committee, appointment,	
powers, duties.....('51:c.73,B-146)	355, 356
Wailua house lots, roads.....('45:J.R.11)	
Waimea library.....('47:c.219,F-233)	
also.....('47:J.R.15)	
Waimea residence lots, roads.....('45:J.R.7)	
Waimea river channel, appropriations for.....('49:J.R.1,2)	
Waimea river improvement.....('49:c.38,F-379)	
Waimea storage plants.....('45:c.277,F-242)	
war memorial.....('45:c.71,F-266)	
War Memorial, Lihue.....('47:c.42,E-194)	
also.....('47:c.205,F-209,p.486)	
war memorial act, repealed.....('49:c.14,F-396)	
warning systems, appropriations for.....('49:c.198,F-358)	
water systems.....('49:c.124,F-381)	
water works, appropriation.....('47:c.37,B-116)	
waterworks board	
appointment, expenses of members.....('51:c.152,B-148)	363
appropriation, initial.....('51:c.152,B-148)	369
audit of accounts.....('51:c.152,B-148)	366
bonds, sales of.....('51:c.152,B-148)	367, 368
claims against, notice required,	
limitation of action.....('51:c.152,B-148)	368, 369
contracts and purchases.....('51:c.152,B-148)	366
definitions.....('51:c.152,B-148)	362
eminent domain, power to acquire	
property by.....('51:c.152,B-148)	367, 368
funds, disbursement of.....('51:c.152,B-148)	367
legal adviser.....('51:c.152,B-148)	366
improvements by assessment.....('51:c.290,B-150)	378
management by board.....('51:c.152,B-148)	364-366

CUMULATIVE INDEX

	PAGE
KAUAI COUNTY—continued	
manager and chief engineer, assistants... ('51:c.152,B-148)	365, 366
office and other facilities..... ('51:c.152,B-148)	364
operating expenses, reserves, subsidization ('51:c.152,B-148)	367
powers of board, meetings, rules and regulations ('51:c.152,B-148)	363, 364
process, service of against..... ('51:c.152,B-148)	368, 369
rates for water and services..... ('51:c.152,B-148)	364
repeal of other statutes..... ('51:c.152,B-148)	369
reserve fund ('51:c.152,B-148)	366
suits by and against board..... ('51:c.152,B-148)	368, 369
term of office, vacancy..... ('51:c.152,B-148)	363
utilities, joint use, agreements for..... ('51:c.152,B-148)	367
KAUIKEOLANI CHILDREN'S HOSPITAL	
appropriation, see biennial acts	
KAWAIHAE TERMINAL	
appropriation, bond issue (Sp.'49:c.55,E-49)	
KAWALOHA SCHOOL FOR GIRLS	
hours of work of employees..... ('49:c.232,A-16)	
KEEHI LAGOON	
appropriation increase ('45:c.87,E-219)	
KINDERGARTENS	
appropriation, see biennial acts; Education establishment and maintenance of..... ('49:c.48,A-52)	
KONA AIRPORT	
named ('49:c.32,A-143)	
KOOLAU TUNNEL PROJECT	
bonds for ('47:c.95,F-211)	
revenue bonds, § 6081..... ('47:s.74,A-97)	
KUAKINI HOSPITAL	
appropriation for, see biennial acts	
KUHIO DAY	
territorial holiday ('49:J.R.15,A-1)	
KULA SANATORIUM	
appropriations, 1951-1953 ('51:c.318,F-274)	666
free tests and treatment for tuberculosis, when..... ('49:c.90,A-70)	
name ('51:c.94,F-319)	710
LABELS	
economic poisons ('45:c.60,A-24,s.7)	
See Trade Marks	
feed stuffs ('47:c.84,A-36)	
food products ('47:c.195,A-85)	
seed ('45:c.90,A-30)	
trade marks, §§ 9286, 9290..... ('47:c.163,C-152)	
U.S. goods ('45:c.214,C-152)	
LABOR	
accident prevention ('47:c.81,A-66)	
adult education council..... ('45:c.108,A-33,s.4)	
apprenticeship, § 4146 ('45:c.22,A-67)	
cooperation with federal..... ('45:c.22,A-67)	
appropriations, 1951-1953 ('51:c.318,F-274)	669

CUMULATIVE INDEX

LABOR—continued

PAGE

bureaus:	
employment security	('49:c.76,A-110)
child labor records, destruction of, permitted when	('49:c.104,A-108)
child labor regulated	('51:c.19,A-75) 197, 198
children, by; s. 4121	('47:c.49,A-61)
§ 4122 repealed	('45:c.9,A-66)
collective bargaining	('45:c.250,A-68,s.6)
complaints, times for hearing	('45:c.250,A-68,s.9)
contract interference, repealed	('47:c.143,D-169)
controversies, notice, etc.	('45:c.250,A-68,s.9)
county per diem employees, hours of	('51:c.231,A-13) 67
director:	
children and youth commission, member of	('49:c.294,D-287)
explosives, regulation and control of	('51:c.101,A-105) 257, 258
powers and duties	('49:c.102,A-107)
vocational rehabilitation law, duties under	('49:c.219,A-56)
disputes, public utilities	('47:c.53,A-62)
elections, bargaining unit	('45:c.250,A-68,s.7)
emigrant agents, regulation of	('51:c.106,A-77) 200-205
See Emigrant Agents	
employee defined under wage and hour law	('49:c.292,A-113)
employer, liability to employee	('45:c.15,A-71)
employment certificate of minor, revocation, § 4121 (e)	('45:c.9,A-66)
employment relations act	('45:c.250,A-68)
conciliator	('51:c.249,A-76) 198, 199
strikes affecting farm products	('45:c.250,A-68,s.12)
(See s. 9 of the act)	
unfair labor practices, prevention of	('51:c.249,A-76) 199, 200
unfair labor practices	('45:c.250,A-68,s.8)
prevention of	('45:c.250,A-68,s.9)
employment security (formerly unemployment compensation), bureau of	('49:c.76,A-110)
See Employment Security	
explosives, regulation and control of	('51:c.101,A-105) 257, 258
government employees' organizations	('51:c.319,A-2) 22-25
Hansen's disease patients, pay, vacations	('49:c.371,A-76 and c.378,A-77)
industrial safety	('47:c.64,A-65)
industrial safety bureau, fees	('49:c.133,A-114)
interference with engaging in work, unlawful when, penalty	('49:c.73,D-267)
joint resolution requesting Congress to enact legislation	('49:J.R.17)
lepers, patients	('45:c.159,A-50)
lien against real property for services	(Sp.'49:c.28,C-34)
limitations on complaints	('45:c.250,A-68,s.9)
minimum wages	('45:c.15,A-71)
notice of complaints	('45:c.250,A-68,s.9)
organization lists	('45:c.250,A-68,s.14)
picketing permitted when	(Sp.'49:c.8,D-44)
picketing statutes repealed	('45:c.12,D-184)
prevention unfair practices	('45:c.250,A-68,s.9)
prisoners, pay, § 8936	('45:c.247,A-61)
prisoners, pay for labor	('49:c.148,A-100)
public employees to be citizens, exceptions	('51:c.44,A-11) 65
public utilities, settlement of labor disputes	('49:c.146,A-109)
See Labor Disputes, Public Utilities	
public welfare recipients, work by	('51:c.291,A-102) 252, 253
rules and regulations	('51:c.23,A-74) 197
safety devices	('47:c.64,A-65)
§§ 11523-25 repealed	('47:c.143,D-169)
stevedoring industry disputes	('51:c.209,A-78) 205-213
stevedoring industry, settlement of labor disputes	(Sp.'49:c.62,A-15)
See Labor Disputes, Stevedoring Industry	
strikes against government, prohibited	(Sp.'49:c.42,A-9)

CUMULATIVE INDEX

LABOR—continued

PAGE

unemployment compensation	('47:c.75,A-63)	
also	('47:c.3,A-64)	
unfair labor practices.....	('45:c.250,A-68,s.8)	
prevention of	('45:c.250,A-68,s.9)	
unionism of government employee.....	('47:c.119,A-8)	
volunteer personnel, injuries, medical,		
hospital expense	('45:c.160,A-74,c.257,A-75)	
wage claims	('49:c.102,A-107)	
wage-hour law, employee.....	('45:c.15,A-71)	
wage-hour law, employee defined.....	('49:c.292,A-113)	
wage-hour violations, § 4363.....	('45:c.15,A-71)	
wages, deductions from, allowed when.....	('51:c.296,A-85)	227, 228
wages, failure to pay, enforcement by		
department of labor, § 4385.....	('45:c.11,A-72)	
Walmart patients	('47:c.183,A-60)	
workmen's compensation	('45:c.10,A-73)	
See that topic		

LABOR DISPUTES, PUBLIC UTILITIES

attorney general and county attorneys, duties....	('49:c.146,A-109)	
definitions	('49:c.146,A-109)	
emergency board:		
appointment, pay and expenses.....	('49:c.146,A-109)	
hearings, report to governor.....	('49:c.146,A-109)	
powers of, evidence, witnesses, subpoenas, etc.....	('49:c.146,A-109)	
failure to reach agreement, procedure after.....	('49:c.146,A-109)	
injunction to enforce law or enjoin		
forbidden practices	('49:c.146,A-109)	
involuntary work by employees not required.....	('49:c.146,A-109)	
legislative intent	('49:c.146,A-109)	
notice of impasse required, contents.....	('49:c.146,A-109)	
penalties	('49:c.146,A-109)	
police power, law as exercise of.....	('49:c.146,A-109)	
saving clause	('51:c.232,F-321)	712
status quo to be maintained after notice.....	('49:c.146,A-109)	
strikes and lockouts:		
duty to avoid.....	('49:c.146,A-109)	
prohibited, exceptions	('49:c.146,A-109)	
title of law.....	('49:c.146,A-109)	

LABOR DISPUTES, STEVEDORING INDUSTRY

claims against government.....	('51:c.209,A-78)	210, 211
construction of law.....	('51:c.209,A-78)	212
definitions	('51:c.209,A-78)	206, 207
employees need not work involuntarily.....	('51:c.209,A-78)	212
government operations	('51:c.209,A-78)	208-211
interference with, injunctions.....	('51:c.209,A-78)	211, 212
preparations for	('51:c.209,A-78)	207, 208
termination of	('51:c.209,A-78)	211
governor		
delegation of authority.....	('51:c.209,A-78)	208
power and authority of.....	('51:c.209,A-78)	208-211
proclamation of emergency.....	('51:c.209,A-78)	207, 208
rules and regulations.....	('51:c.209,A-78)	212
termination of government operations.....	('51:c.209,A-78)	211
hours of employment.....	('51:c.209,A-78)	209, 210
injunctions	('51:c.209,A-78)	211
labor, employment of.....	('51:c.209,A-78)	208, 209
legislative findings and declaration.....	('51:c.209,A-78)	206, 206
powers in addition to other powers.....	('51:c.209,A-78)	212, 213
proclamation of emergency.....	('51:c.209,A-78)	207, 208
repeals	('51:c.209,A-78)	213
rules and regulations.....	('51:c.209,A-78)	212
salaries and wage rates.....	('51:c.209,A-78)	209, 210
stevedoring revolving fund.....	('51:c.209,A-78)	210

CUMULATIVE INDEX

	PAGE
LABOR ORGANIZATIONS	
strikes against government, service of process	
on and liability	(Sp.'49:c.42,A-9)
suits by and against, service of process.....	(Sp.'49:c.4,D-38)
judgment, enforcement of	(Sp.'49:c.4,D-38)
LAHAINALUNA HIGH SCHOOL	
vocational training	('51:c.41,A-47) 145, 146
LANAI	
absentee voters	('45:c.99,A-7)
airport improvement	('47:c.23,F-215)
See also	('45:c.153,F-232)
road fund from fuel tax.....	('49:c.373,A-154)
LAND COURT REGISTRATION	
acknowledgments outside U.S.....	('47:c.86,D-188)
appropriations, 1951-1953	('51:c.318,F-274) 669
attachments and liens, filing of.....	('49:c.237,D-301)
bankruptcy:	
notice of, effect on land.....	('49:c.313,D-302)
certificates of title:	
liens for labor and material.....	('49:c.144,D-299)
federal tax lien notices.....	('49:c.216,D-303)
fees for filing.....	('49:c.56,D-304)
fee schedule, § 12705.....	('45:c.241,D-206)
See	('45:c.255,D-205,s.3)
fees, protection against loss, etc.	('45:c.255,D-205,s.2)
fees:	
verifying and checking maps.....	('49:c.394,D-298)
judgments, federal, registration of.....	('51:c.295,D-246) 595, 596
liens, government, etc., § 12641.....	('45:c.255,D-205,s.1)
liens for labor and material.....	('49:c.144,D-299)
attachments and other liens, filing of.....	('49:c.237,D-301)
maps:	
requirements, checking of	('49:c.394,D-298)
mechanics, materialmen liens, notice of	
satisfaction of	('49:c.241,C-240)
mortgagee's and lessee's duplicate certificates	
of title, surrender and cancellation.....	('51:c.142,D-240) 590, 591
redevelopment agency, appointment of	
member to	('49:c.379,B-175)
rural housing, see § 3536.....	('45:c.200,A-58)
See Conveyances, Registration of	
subdivisions, approval of Honolulu	
planning commission	('49:c.222,B-204)
subdivisions in Honolulu, regulations governing...	('49:c.222,B-204)
subdivisions in Kauai, regulations	
governing	('51:c.271,B-147) 361
surrender of land for public use.....	('49:c.64,D-300)
tax liens, § 5167.....	('45:c.220,A-98,s.1)
tenure under certificate, § 12641.....	('45:c.255,D-205,s.1)
title grants 3437, 3539.....	('47:c.207,F-239)
LANDLORD AND TENANT	
abatement and prevention of nuisances	
by injunction	('49:c.40,D-263)
summary eviction of tenant.....	('49:c.40,D-263)
appeals, frivolous	('45:c.192,D-176)
commercial rent control.....	('45:c.69,E-215)
Hawaii housing	('47:J.R.4)
Hawaii housing, rural, § 3536.....	('45:c.200,A-58)
Hawaii housing authority, eviction of tenants.....	('49:c.384,A-95)
joinder of causes of action.....	('45:c.216,D-175)
rent, acceptance during litigation.....	('45:c.251,D-174)
rent control appeals	('45:c.178,D-155)
summary proceedings by landlord	
notice to vacate	('49:c.39,D-256)

CUMULATIVE INDEX

	PAGE
LANDS, PUBLIC	
See Public Lands	
LARCENY	
from the person, penalty.....('51:c.316,D-232)	573
obtaining money, etc., by false pretenses, punishable as	('49:c.78,D-264)
LASCIVIOUS AND LEWD CONDUCT	
offense defined, penalty.....	('49:c.28,D-272)
LAUNDRIES	
infectious laundry from hospitals and sanatoria, control of.....	('49:c.22,A-68)
lien, enforcement, redemption.....	('45:c.188,C-151)
LAWFUL RIGHTS	
Interference with by force or threats, penalty.....	('49:c.73,D-267)
LAWS	
citation of	('45:J.R.4,s.8)
civil service, construction.....	('47:c.110,A-2)
construction of	('45:c.233,A-2)
See acts creating new chapters	
effect of enacting R. L. 1945.....	('45:c.1,A-1)
non-retroactive tax rulings, § 5104 (15).....	('45:c.79,A-91)
publication and promulgation of.....	('51:c.301,A-1)
session laws	('45:c.51,F-252)
style of	('45:J.R.4)
LAWYERS	
admission to bar, qualifications.....	(Sp.'49:c.67,D-36)
LEAHI HOME	
appropriations, 1951-1953	('51:c.318,F-274)
building appropriation	('47:c.206,F-209)
free tests and treatment for tuberculosis, when.....	('49:c.90,A-70)
improvements, conditions	('45:c.276,F-249)
LEASEHOLDS	
land court, § 12641.....	('45:c.255,D-205,s.1)
loans by building and loan associations.....	('49:c.67,C-229)
mechanics and materialmen's liens against.....	(Sp.'49:c.28,C-34)
mortgage of building loans.....	('45:c.98,C-145)
residential purposes, exemption from real property tax	(Sp.'49:c.64,A-18)
rights of way over public lands to sea.....	('45:c.96,A-76)
LEAVES	
cash in lieu of.....	('45:c.176,A-16)
cash in lieu of leave, allowed when.....	('51:c.262,A-19)
civilian employees of armed service returning to government office	('45:c.114,A-15)
legislator's expenses	('47:c.2,F-219,s.4)
also, holdover	('47:c.115,F-217,s.6)
military service, persons on.....	('49:c.298,A-19)
re-employment after military service.....	('45:c.148,A-14)
re-employment upon termination of military service	('51:c.262,A-19)
sick leave	('51:c.121,A-18)
substitute's salary	('47:c.27,A-16)
teachers	('51:c.5,4,A-43,A-44)
79, 80	77, 78
76	137, 138
LEGISLATIVE REFERENCE BUREAU	
hospital service study, aid to.....	('45:J.R.12)
uniformity of legislation commission, aid to.....	('49:c.326,A-2)

CUMULATIVE INDEX

LEGISLATURE

PAGE

allowance for expenses of members.....('49:c.17,E-311)	
appropriation for regular session.....('51:c.2,F-284)	680-682
appropriation for 1950 special session.....(Sp.'50:c.1)	1
claims for relief, procedure for presenting.....('49:c.324,A-49)	
compensation of('45:J.R.10)	
constitutional convention('49:c.334,E-313)	
employee, retirement rights.....('47:c.58,A-23)	
expenses of members from outside islands.....('45:c.86,E-217)	
See also('47:c.115,F-217,s.6,p.502)	
hearings and procedure(Sp.'49:c.40,A-7)	
attorney general, duty to prosecute offenders..(Sp.'49:c.40,A-7)	
government officers and employees to cooperate..(Sp.'49:c.40,A-7)	
holdover committees, powers of.....(Sp.'49:c.40,A-7)	
oaths to witnesses, power to administer.....(Sp.'49:c.40,A-7)	
perjury, false swearing punishable as.....(Sp.'49:c.40,A-7)	
saving clause(Sp.'49:c.40,A-7)	
sergeants-at-arms, powers and duties,	
official badge(Sp.'49:c.40,A-7)	
subpoenas and process, power to issue, service..(Sp.'49:c.40,A-7)	
testimony, power to take, issue subpoenas, etc..(Sp.'49:c.40,A-7)	
witnesses	
failure to testify or produce records,	
punishment(Sp.'49:c.40,A-7)	
privilege of(Sp.'49:c.40,A-7)	
refusal to make oath or testify, penalty.....(Sp.'49:c.40,A-7)	
holdover committee of 1949:	
appropriation('51:c.2,F-284)	681
assistance to be rendered by government officials..('49:c.61,E-312)	
creation, members, chairman.....('49:c.61,E-312)	
employees('49:c.61,E-312)	
expenses of members.....('49:c.61,E-312)	
general powers('49:c.61,E-312)	
government reorganization('49:c.61,E-312)	
legislative reference bureau to act as	
secretariat('49:c.61,E-312)	
legislative research('49:c.61,E-312)	
power to administer oaths, subpoena	
witnesses, etc.('49:c.61,E-312)	
reports to be made.....('49:c.61,E-312)	
statehood, equal rights.....('49:c.61,E-312)	
statehood commission, cooperation with.....('49:c.365,E-314)	
legislators, disqualification of.....('51:J.R.12)	732, 733
pensions while in.....('47:c.28,A-19)	
retirement system, membership in.....('51:c.110,A-22)	100
salary standardization board report.....('51:c.320,A-3)	40
statehood committee('47:c.115,F-217)	

LEGITIMATION

of children, new birth certificate to be issued.....('49:c.327,A-92)

LEPERS

See Hansen's Disease, Health and Hospitals and Settlement

LIBEL AND SLANDER

radio stations not liable for political candidates' statements('49:c.273,D-265)

LIBRARIES

appropriations, 1951-1953('51:c.318,F-274)	669
construction('45:c.72,F-238)	
conventions of county librarians.....('51:c.190,A-48)	150
county librarians, duties of.....('51:c.190,A-48)	150
exchange of librarians, conditions.....('51:c.190,A-48)	151
Hanapepe, Kauai('47:c.52,F-234)	
Hawaii('47:c.205,F-209)	
Hawaii county libraries, names of('51:c.190,A-48)	146, 147
managing board appointment, powers, etc...('51:c.190,A-48)	147

CUMULATIVE INDEX

	PAGE
LIBRARIES—continued	
Honolulu	(‘47:c.206,F-208)
Kauai county libraries.....	(‘51:c.190,A-48) 147, 148
management of	(‘51:c.190,A-48) 148, 149
leaves of absence.....	(‘51:c.190,A-48) 152
librarians, qualifications of.....	(‘51:c.190,A-48) 150
library of Hawaii, to render assistance.....	(‘51:c.190,A-48) 151
Maul county libraries.....	(‘51:c.190,A-48) 149
managing board has supervision of.....	(‘51:c.190,A-48) 149, 150
reports by county librarians.....	(‘51:c.190,A-48) 151
substitute librarians	(‘51:c.190,A-48) 152
Waimea, Kauai, site for.....	(‘47:J.R.15)
Waimea, Kauai; Waialua, Oahu.....	(‘47:c.219,F-233)
LICENSES	
agricultural commodities, dealers.....	(‘45:c.252,A-29)
agricultural cooperative associations.....	(‘49:c.234,C-230)
air pilots, etc.	(‘47:c.32,A-75,s.16)
architects	(‘49:c.306,C-226)
automobile dealers and salesmen.....	(‘51:c.90,C-177) 433-446
See Automobile Dealers and Salesmen	
baggage men	(‘51:c.114,252,C-166,C-167) 418, 419
ball, marble, dart games:	
permitting unaccompanied minors to play.....	(‘45:c.38,C-139)
barbering	(‘47:c.194,A-44)
beauty culture and schools.....	(‘49:c.397,A-62)
billiards and bowling alleys.....	(‘49:c.15,C-210)
boxing contests and participants.....	(‘49:c.264,C-225)
canal fishing regulated, penalty.....	(‘51:c.58,A-34) 113, 114
chauffeur, 15-17 years.....	(‘47:c.38,C-131)
chauffeur's and operator's	(Sp.‘49:c.35,C-31)
See Motor Vehicles	
chiropractic, revocation or suspension of license....	(‘49:c.151,A-65)
commercial fishing	(‘47:c.39,A-34)
See also	(‘47:c.179,A-33)
dental hygienists	(‘45:c.118,A-44)
dentistry	(‘47:c.170,A-47)
dentistry, practice of.....	(‘49:c.177,A-66)
emigrant agents, licensing of.....	(‘51:c.106,A-77) 200-205
engineers	(‘49:c.306,C-226)
farm produce dealers	(‘51:c.74,A-36) 117-119
federal-aid roads, to disturb.....	(‘45:c.173,A-88)
fire, marine, ratings.....	(‘47:c.61,C-146,s.6)
firearms, permit to acquire, registration.....	(Sp.‘49:c.24,C-20)
firearms, permit to acquire, registration.....	(‘49:c.192,C-211)
firearms, to own.....	(‘51:c.304,C-168) 419, 420
fish, etc., not originating in territorial waters,	
possession and sale.....	(‘45:c.107,A-25)
fish traps	(‘51:c.53,A-33) 112
fisherman, commercial, bait.....	(‘47:c.179,A-33)
fishing, commercial, regulations.....	(‘49:c.272,A-40)
sale of excess catch, license.....	(‘49:c.272,A-40)
fishing, nehu, lao.....	(‘47:c.179,A-33)
fishing for fresh water game fish.....	(Sp.‘49:c.57,A-10)
fishing permit, cancellation.....	(‘45:c.23,A-27)
Hawaiian herbs, plants, permit to use,	
revocation, suspension	(‘49:c.121,A-82)
health permits suspended	(‘45:c.116,A-42)
hunting, (fishing), agents to sell authorized.....	(‘49:c.32,A-28)
hunting, game birds, mammals.....	(‘49:c.84,A-29)
insurance adjustor, § 8516.....	(‘47:c.89,C-145)
insurance agents, solicitors.....	(‘49:c.209,C-234)
insurance rating casualty.....	(‘47:c.60,C-145,s.6)
fire, marine	(‘47:c.61,C-146,s.6)
liquor, to "club"	(‘45:c.144,C-140)
revocation, appeal	(‘45:c.52,B-214)
liquor, transfer, penalty.....	(‘49:c.301,C-212)
marriage, divorced persons.....	(‘47:c.83,D-182)
marriage, of minors.....	(‘47:c.43,D-180)
marriage, pre-marital examination.....	(‘45:c.126,D-197)

CUMULATIVE INDEX

LICENSES—continued

PAGE

massage, loml-loml	('47:c.192,A-52)	
medicine and surgery, revoked.....	('47:c.201,A-53)	
mental institutions, private.....	('45:c.106,A-53)	
milk dealers, fee.....	('51:c.146,C-164)	417
motor vehicles	('51:c.222,162,A-125,A-126)	308-313
naturopathy, practitioners	('49:c.214,A-85)	
night angling	('47:c.39,A-34,s.4)	
nurses	('47:c.240,A-57)	
opticians, dispensing	('49:c.183,A-87)	
optometry	('49:c.58,A-86)	
osteopathy, revocation or suspension.....	('49:c.120,A-88)	
osteopathy amendments	('47:c.185,A-58)	
permits to take birds, fish, etc., for scientific, propagation purposes	('45:c.14,A-21)	
pharmacists	('49:c.175,A-89)	
pharmacists, § 2901	('46:c.155,A-55)	
physicians and surgeons, qualifications.....	('51:c.173,A-60)	173, 174
private fish pond owners.....	('47:c.19,A-32)	
produce dealers	('49:c.114,A-41)	
real estate brokers and salesmen.....	('49:c.276,C-228)	
seed importers, § 1354.08.....	('45:c.90,A-80)	
solicitors for orders, fees.....	('51:c.147,C-165)	418
sport fishing, provisions generally.....	('49:c.348,A-36)	
surveyors	('49:c.306,C-226)	
tax clearance, required before issuance of certain licenses	('49:c.352,A-150)	
veterinarians	('49:c.280,A-91)	
weed control substances.....	('51:c.76,A-39)	128-131
weed control substances.....	('49:c.357,A-45)	

LIENS

aged persons, land of, for welfare payments...	('51:c.71,A-99)	248-250
business property tax lien.....	('45:c.220,A-98,s.2)	
cleaning, dyeing, laundering, pressing.....	('45:c.188,C-151)	
conditional sale contracts	('49:c.178,C-243)	
federal taxes, filing of notices.....	('49:c.216,D-303)	
government, tax, etc., land court.....	('45:c.255,D-205,s.1)	
Hawaii housing authority on personal property of tenants.....	('49:c.220,A-96 and c.128,A-97)	
laundering, cleaning, etc.	('45:c.188,C-151)	
enforcement, notice, auction.....	('45:c.188,C-151,s.2)	
escheat of proceeds.....	('45:c.188,C-151,s.3)	
proceeds, application of.....	('45:c.188,C-151,s.3)	
redemption before sale.....	('45:c.188,C-151,s.4)	
mechanics and materialmen	('49:c.241,C-240)	
allowed when, lessees, etc.	(Sp.'49:c.28,C-34)	
allowed when, lessees, etc.	('49:c.241,C-240)	
date of completion, notice of.....	('49:c.241,C-240)	
definitions	('49:c.241,C-240)	
duration of lien.....	('49:c.241,C-240)	
enforcement of lien, procedure.....	('49:c.241,C-240)	
joint owners	('49:c.241,C-240)	
lessees	('49:c.241,C-240)	
notice, filing of, contents.....	('49:c.241,C-240)	
priority, record of.....	('51:c.95,C-211)	521, 522
priority, record of.....	('49:c.241,C-240)	
record book in circuit courts.....	('49:c.241,C-240)	
satisfaction, notice of, filing.....	('49:c.241,C-240)	
mortgages, priority of.....	('51:c.202,C-215)	525
motor vehicles, tax lien and encumbrance record in county treasurer's office.....	('49:c.164,C-216)	
motor vehicles, work performed on.....	('49:c.187,C-241)	
personal property: right to retain possession for charges, exception	('49:c.187,C-241)	
proceeding to enjoin nuisance, costs lien on property	('49:c.40,D-263)	
registered land, filing of.....	('49:c.237,D-301)	
revenue bonds, on what.....	('47:c.74,A-97)	
sewerage charges, Honolulu.....	('49:c.41,B-195)	
tax, enforcement, etc.	('45:c.220,A-98,s.1)	

CUMULATIVE INDEX

	PAGE
LIENS—continued	
taxes, unpaid, lien on real property.....('51:c.161,A-122)	298, 299
trust receipts, uniform act.....('51:c.43,C-217)	535
See Trust Receipts	
university projects, bonds.....('47:c.141,A-42)	
veteran, guardian's right.....('47:c.202,D-186,s.15)	
warehouse receipts, uniform act.....('51:c.39,C-218)	539-554
See Warehouse Receipts	
LIFE INSURANCE	
See Insurance	
LIHUE	
See Kauai County	
airport improvements.....('47:c.23,F-215)	
See also.....('45:c.153,F-232)	
war memorial.....('47:c.42,E-194)	
also.....('47:c.205,F-209,p.486)	
See also.....('45:c.71,F-266)	
LIMITATIONS OF ACTIONS	
crimes, § 10691.....('47:c.189,D-163)	
damages or penalties, etc., allowed under	
federal statute.....('45:c.174,D-177)	
death no bar, paternity cases.....('47:c.57,D-176)	
effect of enacting R. L. 1945.....('45:c.1,A-1)	
Hawaii county water board, actions against.....('49:c.86,B-185)	
Hawaiian housing special power.....('47:J.R.4,s.16)	
Kauai waterworks board, actions against.....('51:c.152,B-148)	368, 369
labor complaints, 90 days.....('45:c.250,A-68,s.9)	
Maul waterworks board, actions against.....('49:c.289,B-194)	
mechanics' and materialmen's liens.....('49:c.241,C-240)	
personal actions, 4 years.....('45:c.210,D-178)	
death no interruption.....('45:c.210,D-178)	
reassessment personal property, § 5642.....('45:c.152,A-109)	
tax lien, § 5167.....('45:c.220,A-98,s.1)	
title action, grants 3437, 3539.....('47:c.207,F-289)	
two years, paternity cases.....('47:c.57,D-176)	
LIQUOR	
See Intoxicating Liquor	
LIVESTOCK AND PRODUCE	
dealers in, licensing of.....('49:c.114,A-41)	
LOAN COMPANIES	
building and loan associations.....('49:c.67,C-229)	
LOAN FUND	
1947.....('47:c.205,F-209)	
airport improvements.....(Sp.'49:c.13,E-47)	
civilian conservation corps.....(Sp.'49:c.63,E-48)	
federal-aid highways, Hawaii.....('47:c.73,F-210)	
Kawaihae terminal.....(Sp.'49:c.55,E-49)	
loan fund act of 1949, amendments	
.....('51:cc.14,100,234,E-269,E-270,E-271)	659, 660
public improvements of 1951.....('51:c.321,E-268)	654-659
public improvements.....(Sp.'49:c.61,E-46)	
public improvements.....('49:c.401,E-325)	
LOANS	
between Territory and counties.....('45:c.133,A-114)	
building & loan companies.....('47:c.181,C-134)	
on leased property.....('45:c.98,C-145)	
farm loan board, emergency loans	
authorized.....('51:c.238,F-311)	704

CUMULATIVE INDEX

LOANS—continued

PAGE

life insurance	('47:c.221,C-143)
loan fund financing.....	('47:c.167,A-93)
minor veterans	('47:c.9,D-174)
mortgages and loans insured under federal laws..	(Sp.'49:c.17,C-33)
mortgages and loans insured under National Housing Act	('49:c.118,C-232)
mortgages secured under Bankhead-Jones Farm Tenant Act	('49:c.340,C-233)
rural housing, § 3536.....	('45:c.200,A-58)
Territory to counties, etc., authorized when.....	('49:c.342,A-159)
trust company, § 8661 (f).....	('47:c.125,C-147)
university projects	('47:c.141,A-42)

LOCKOUTS

public utilities, settlement of labor disputes.....	('49:c.146,A-109)
See Labor Disputes, Public Utilities	
stevedoring industry, settlement of labor disputes	(Sp.'49:c.62,A-15)
See Labor Disputes, Stevedoring Industry	

LODGING HOUSES

See Buildings, Fire Marshal

LOMI-LOMI, MASSAGE

regulated	('47:c.192,A-52)
regulations relating to practice of.....	('49:c.97,A-78)

LOST PROPERTY

sale or other disposition of.....	('49:c.319,B-165)
-----------------------------------	-------------------

LOYALTY BOARD.....	('51:c.256,A-20)	85-97
actions to be taken by board.....	('51:c.256,A-20)	89
appropriations	('51:c.256,A-20)	96
attorney general to act as advisor.....	('51:c.256,A-20)	96
board, appointment, tenure.....	('51:c.256,A-20)	85, 86
claims against government, barred when.....	('51:c.256,A-20)	92, 93
clerical and legal assistance to board.....	('51:c.256,A-20)	96
decision, standards for.....	('51:c.256,A-20)	93, 94
definitions	('51:c.256,A-20)	85
departments to cooperate with board.....	('51:c.256,A-20)	95, 96
disbursing officers, restrictions on.....	('51:c.256,A-20)	93
evidence	('51:c.256,A-20)	93, 94
exceptions	('51:c.256,A-20)	88
hearings and procedure.....	('51:c.256,A-20)	89-91
ineligibility of officers and employees.....	('51:c.256,A-20)	86
investigations	('51:c.256,A-20)	88
judicial review not allowed, exception.....	('51:c.256,A-20)	94
oaths, power to administer.....	('51:c.256,A-20)	95
orders of board.....	('51:c.256,A-20)	91, 92
perjury, false swearing as.....	('51:c.256,A-20)	95
personal history statement.....	('51:c.256,A-20)	86
execution of statement.....	('51:c.256,A-20)	87
re-execution of statement not required.....	('51:c.256,A-20)	88
time for filing statement.....	('51:c.256,A-20)	87, 88
powers and duties of board.....	('51:c.256,A-20)	95
procedure by board, hearings.....	('51:c.256,A-20)	89-91
records of board confidential.....	('51:c.256,A-20)	94
referral of cases to board.....	('51:c.256,A-20)	88
removal, effect of.....	('51:c.256,A-20)	86
review of panel decisions.....	('51:c.256,A-20)	91
salaries and expenses.....	('51:c.256,A-20)	96

CUMULATIVE INDEX

	PAGE
LOYALTY BOARD—continued	
saving clause	('51:c.256,A-20) 96, 97
Senate consent to removal	('51:c.256,A-20) 93
suspension pending hearing	('51:c.256,A-20) 92
LOYALTY OATH	
civil service applications	('47:c.117,A-18)
duplicate taking not required	('45:c.131,A-17)
government officers and employees	('51:c.154,A-21) 97, 98
government officers and employees	('49:c.137,A-21)
oaths, administration of	('45:c.131,A-17)
removal of employees, for failure to testify ..	('51:c.177,A-15) 70-72
LUNALILO HOME	
appropriations, 1951-1953	('51:c.318,F-274) 667
LUTHERAN CHURCH	
tax exemption	('47:c.149,A-80)
MAGISTRATES, DISTRICT COURTS	
See District Courts and Magistrates	
MAKIKI CEMETERY	
improvement, rehabilitation	('45:c.129,F-237)
upkeep, maintenance	('45:c.128,F-236)
MAKIKI VALLEY PARK	
not under Honolulu park board	('45:c.237,B-137,s.4)
MALICIOUS CONVERSION	
offense defined, penalty	('49:c.217,D-266)
MANICURISTS	
regulation of	('49:c.397,A-62)
See Beauty Culture	
MAPS AND PLANS	
surveyor, territorial	('51:c.283,A-91) 239, 240
MARBLE MACHINES	
permitting unaccompanied minors to play	('45:c.36,C-139)
MARIJUANA	
sale to minors, penalty	('51:c.145,D-230) 571
MARINE INSURANCE	
See Insurance	
MARINE LIFE	
See Fish and Fishing	
crustaceans, fish, etc., from non-territorial waters,	
possession, sale	('45:c.107,A-25)
permits to take for scientific purposes	('45:c.14,A-21)
MARKETS	
advisory committee	('45:c.252,A-29)
agricultural products	('45:c.252,A-29)
economic poisons, sale	('45:c.60,A-24)
farm produce dealers, regulation of	('49:c.114,A-41)
feed stuffs regulated	('47:c.84,A-36)
fish, iced	('47:c.187,A-49)
food product standards	('47:c.195,A-35)
fruits, vegetables, nuts, export of regulated ..	('49:c.117,A-42)
seeds	('45:c.90,A-30)

CUMULATIVE INDEX

	PAGE
MARRIAGE	
agents to grant.....('47:c.21,D-181)	
annulment and divorce, registration of decree..('51:c.62,A-65)	183, 184
divorced persons, § 12357.....('47:c.83,D-182)	
license to minors when.....('47:c.43,D-180)	
premarital examination, syphilis.....('45:c.136,D-197)	
registration of('49:c.327,A-92)	
See Vital Statistics	
will, marriage revokes when.....('51:c.270,D-235)	579
MARRIED WOMEN	
See Husband and Wife	
business, separate a/c, § 12375 repealed.....('45:c.254,D-199)	
contracts, § 12366('45:c.5,D-198)	
husband's debts, not liable for.....('45:c.254,D-199)	
husband's liabilities, §§ 12373-74 repealed.....('45:c.273,D-201)	
suit against, community law.....('45:c.273,D-201,ss.10-12)	
MESSAGE, LOMI-LOMI	
regulated('47:c.192,A-52)	
regulations relating to practice of.....('49:c.97,A-78)	
MASTER PLAN, HONOLULU	
to be finished 1947.....('47:c.217,B-124)	
MASTERS	
attorneys generally as('45:c.95,A-10)	
boards and commissions, power to appoint,	
duties, fees('49:c.329,A-17)	
guardian, trustee accounts('45:c.186,D-204)	
veteran guardianship('47:c.202,D-186)	
MATERIALMEN	
liens of('49:c.241,C-240)	
See Liens	
liens of, allowed when.....(Sp.'49:c.28,C-34)	
MAUI COUNTY	
See Appropriations, County Government	
absentee voters('45:c.99,A-7)	
admission fees, rentals, for use of parks	
and public places('49:c.10,B-176)	
airports, Kahului, Puunene('47:J.F.18)	
Hana, Kalaupapa, Lanai.....('45:c.163,F-232)	
Maui, appropriation('45:c.85,F-233)	
board of parks, playgrounds, recreation....('51:c.208,B-152)	397-400
appropriations and special fund.....('51:c.208,B-152)	399, 400
employees, appointment of.....('51:c.208,B-152)	399
establishment of board.....('51:c.208,B-152)	397
powers and duties of board.....('51:c.208,B-152)	398, 399
property, control of.....('51:c.208,B-152)	399
quorum('51:c.208,B-152)	398
repeal of conflicting laws.....('51:c.208,B-152)	400
rules and regulations.....('51:c.208,B-152)	399
terms of office.....('51:c.208,B-152)	397, 398
bond issue:	
public improvements('49:c.400,E-324)	
school purposes('51:c.59,E-267)	654
bridges, roads, appropriation('45:c.230,F-273)	
cemeteries for veterans('47:c.214,E-190)	
civil service law.....('51:c.319,A-2)	2-27
See Civil Service	
Cockett, J. Pia, compensation for.....('49:c.150,F-391)	
codes, enactment of by reference.....(Sp.'49:c.53,B-28)	
commercial rent control('45:c.69,E-215,s.3)	
Court improvements('47:c.206,F-208)	

CUMULATIVE INDEX

	PAGE
MAUI COUNTY—continued	
drainage canal for Iao stream, appropriation.... (Sp.'50:c.5)	4
eminent domain proceedings..... ('51:c.12,A-8)	52-61
See Eminent Domain	
engineer, § 6465	('47:c.25,B-117)
extra tax	('47:c.196,A-83,s.6)
fire department	('49:c.25,B-192)
chief engineer, assistants, employees, salaries.... ('49:c.25,B-192)	
fires, rights and duties in connection with,	
penalty for interference	('49:c.25,B-192)
supervisors, powers of	('49:c.25,B-192)
fuel tax special fund	('51:c.302,A-120)
Hawaiian homes lands	('45:J.R.6)
Honokahau-Wailena gulch road	('49:c.358,F-394)
hospital managing committee, § 6459-68 repealed.... ('45:c.41,B-130)	
hospital managing committee (new)..... repealed.... ('49:c.5,B-139)	
appointment, term of office..... ('51:c.9,B-151)	396
appointment, term of office, meetings..... ('49:c.5,B-139)	
appropriations, expenditure of	('49:c.5,B-139)
general superintendent	('49:c.5,B-139)
hospitals under jurisdiction of committee..... ('49:c.5,B-139)	
hospitals, § 6457, repealed	('45:c.98,B-126)
See Biennial Budget	
Improvement by assessment..... ('49:c.271,B-193)	
areas outside improvement districts,	
petition by owners	('49:c.271,B-193)
assessments, amount, collection, payment..... ('49:c.271,B-193)	
bonds, issuance, payment before or at maturity.... ('49:c.271,B-193)	
bonds not chargeable against general revenues.... ('49:c.271,B-193)	
contract, procedure for letting..... ('49:c.271,B-193)	
costs borne by county..... ('49:c.271,B-193)	
default in payment, sale on..... ('49:c.271,B-193)	
definitions	('49:c.271,B-193)
determination by supervisors	('49:c.271,B-193)
exempt or public lands..... ('49:c.271,B-193)	
failure to pay instalment, effect of..... ('49:c.271,B-193)	
hearing	('49:c.271,B-193)
instalment payments	('49:c.271,B-193)
joint owners, liability of..... ('49:c.271,B-193)	
lessors, lessees, rights of..... ('49:c.271,B-193)	
lien, assessments are, priority of..... ('49:c.271,B-193)	
limitation of actions and suits..... ('49:c.271,B-193)	
method, generally	('49:c.271,B-193)
notice of improvements and amount of	
assessments	('49:c.271,B-193)
payment of assessment in bonds..... ('49:c.271,B-193)	
petition by owners to improve..... ('49:c.271,B-193)	
procedure after hearing	('49:c.271,B-193)
procedure for proposed improvement..... ('49:c.271,B-193)	
protests, objections, suggestions by owners.... ('49:c.271,B-193)	
purchase at sale for default..... ('49:c.271,B-193)	
refunding bonds authorized, procedure..... ('49:c.271,B-193)	
revolving fund	('49:c.271,B-193)
sale of land bid in by treasurer..... ('49:c.271,B-193)	
sewers, limitation on assessment..... ('49:c.271,B-193)	
treasurer to issue certificates re payments.... ('49:c.271,B-193)	
water systems	('49:c.271,B-193)
jail, confinement in..... ('51:c.105,A-70)	192
joint resolution requesting authorization to	
issue bonds..... ('51:J.R.20)	741,742
Kalaupapa cable-way, etc. ('45:c.203,F-235)	
Kamehameha III school, Lahaina..... ('45:c.245,F-287)	
Kanaio-Kalama park road..... (Sp.'49:c.25,F-61)	
Kanaio-Kalama park road	('49:c.359,F-395)
Kapuna water supply	('45:c.130,F-263)
Kauluwal road, Molokai, appropriation for..... ('49:c.228,F-392)	
Kula Sanatorium, name of..... ('51:c.94,F-319)	710
labor force of county to be used on	
drainage outlet project..... (Sp.'49:J.R.4)	
Lahaina breakwater, appropriation for..... (Sp.'50:c.2)	1,2
Lahaina breakwater, appropriation for..... ('49:c.27,F-388)	

CUMULATIVE INDEX

	PAGE
MAUI COUNTY—continued	
libraries	('51:c.190,A-48) 149, 150
See Libraries	
loan fund act of 1951.....	('51:c.321,E-268) 654-659
loan fund act of 1949.....	('49:c.400,B-325)
loan fund 1947	('47:c.205,F-209)
Maalaea boat harbor, appropriation.....	('51:c.10,F-318) 709
motor vehicle common carriers, regulation of	('51:c.55,B-145) 395, 396
officers, salaries of.....	('51:c.221,B-137) 344
payment of claims, authorization for.....	('49:J.R.5)
pension, William Viela, Sr.	('51:c.107,E-273) 661, 662
pension: Chas. A. Buchanan.....	('45:c.263,B-224)
plant quarantine station	('47:c.80,F-237)
police department	('47:c.212,B-106)
appropriations	('49:c.23,B-181)
Makawao and Wailuku stations, consolidation...	('49:c.36,B-182)
public works, department of.....	('49:c.8,B-190)
county engineer	('49:c.8,B-190)
deputies, assistants and employees.....	('49:c.8,B-190)
powers, duties and functions.....	('49:c.8,B-190)
road, Kanalo to Nuu.....	('47:c.240,F-235)
road improvements, Molokai, extra fuel tax fund..	('49:c.92,F-389)
salaries, officers, § 6451	('47:c.209,B-107)
salary standardization law.....	('51:c.320,A-3) 28-47
See Salary Standardization Law	
sewer system employees not to work on water systems	('49:c.85,B-191)
sewers	('47:c.205,F-209)
Spencer, Al, compensation for.....	('49:c.141,F-390)
supervisors' meetings, § 6239	('47:c.197,B-105)
veterans' cemeteries, appropriation for.....	('51:c.179,F-290) 686
Waioli-Keeke beach homesteads	('49:c.304,F-393)
war memorial	('45:c.242,F-269)
warning systems, appropriations for.....	('49:c.198,F-358)
water storage, Wailuku, Kula.....	('45:c.277,F-242)
waterworks board	('49:c.289,B-194)
annual appropriation	('51:c.102,B-153) 400
appointment, expenses of members.....	('49:c.289,B-194)
appropriation, initial	('49:c.289,B-194)
appropriation for	('51:J.R.35) 756, 757
audit of accounts	('49:c.289,B-194)
bonds, sale of	('49:c.289,B-194)
claims against, notice required, limitation of action	('49:c.289,B-194)
contracts and purchase of supplies, etc.....	('49:c.289,B-194)
definitions	('49:c.289,B-194)
eminent domain, power to acquire property by..	('49:c.289,B-194)
expenditure of funds	('49:c.289,B-194)
legal adviser	('49:c.289,B-194)
manager and chief engineer, assistants.....	('49:c.289,B-194)
office and other facilities.....	('49:c.289,B-194)
operating expenses, reserves, subsidization by county	('51:c.111,B-154) 401, 402
operating expenses, reserves, subsidization by county	('49:c.289,B-194)
payment of Duarte claim.....	('51:J.R.27) 748
penalty for violation of rules.....	('49:c.289,B-194)
powers of board, meetings, rules and regulations.	('49:c.289,B-194)
process, service of against.....	('49:c.289,B-194)
property, water sources, etc., power to acquire..	('49:c.289,B-194)
rates for water and services.....	('49:c.289,B-194)
reports by manager.....	('51:c.102,B-153) 400
reserve fund	('49:c.289,B-194)
revenue bonds, authority to issue.....	('49:c.291,B-168)
suits by and against board.....	('49:c.289,B-194)
term of office, vacancies.....	('49:c.289,B-194)
utilities, joint use, agreements for.....	('49:c.289,B-194)

CUMULATIVE INDEX

MECHANICS AND MATERIALMEN

PAGE

- liens of ('49:c.241,C-240)
- See Liens
- liens of, allowed when (Sp.'49:c.28,C-34)

MEDICAL CARE

- for blind ('45:c.113,A-81)
- for volunteer territorial workers ('45:c.257,A-75)

MEDICINE AND SURGERY

- See Physicians
- births, duty to report ('49:c.327,A-92)
- deaths and stillbirths, duty to report ('49:c.327,A-92)
- eligibility for taking examinations ('49:c.52,A-80)
- Hawaiian herbs and plants, revocation or suspension of permits ('49:c.121,A-82)
- license to practice
 - examination, qualifications ('51:c.173,A-60) 173, 174
- opticians, licensing of ('49:c.183,A-87)
- pharmacists, pharmacy, regulation of ('49:c.175,A-89)
- practice of, defined ('49:c.63,A-79)
- preventive medicine, division of ('51:c.42,A-63) 179, 180
- regulation, amendments ('47:c.201,A-53)
- revocation or suspension of license ('49:c.108,A-81)
- veterinary medicine and surgery ('49:c.280,A-91)
- vital statistics, registration of ('49:c.327,A-92)
- workmen's compensation reports, duty to make... ('49:c.203,A-129)

MENTAL HYGIENE

- child guidance clinic ('47:c.55,4-54)
- clinics where ('45:c.102,A-52)
- delinquent child ('47:c.56,D-177)
- functions of bureau, charges for services ('49:c.281,A-83)
- hospital expenses, welfare ('47:c.6,A-55)
- indigent traveling expense ('47:c.101,A-56)

MENTAL ILLNESS

- divorces, persons suffering from ('51:c.287,D-236) 580
- territorial hospital for care and treatment ('49:c.337,A-104)
- See Territorial Hospital

MENTAL INSTITUTIONS, PRIVATE

- approval of president, board of health ('45:c.106,A-53)

MENTAL INSTITUTIONS, PUBLIC

See Territorial Hospital, Waimano Home

MENTAL SUFFERING

- as ground for divorce ('49:c.174,D-281)

MERGER

- banks ('51:c.198,C-186) 466
- banks, national with territorial ('51:c.198,C-186) 461-466
- national, territorial banks ('51:c.198,C-186) 461-466

MICROFILM

- business and public records as evidence ('51:c.104,D-229) 567

MIDWIVES

- duty to report births ('49:c.327,A-92)

MILITARY

- See Armed Forces, Veterans
- conservator, absentee's property ('45:c.30,D-202)

CUMULATIVE INDEX

	PAGE
MILITARY—continued	
legal officers permitted to appear in	
traffic court (Sp.'49:c.38,D-37)	
militia and national guard..... ('47:c.123,E-189)	
pay of public employees while on..... ('49:c.298,A-19)	
re-employment ('45:c.184,A-14)	
status ('45:c.114,A-15)	
re-employment by government..... ('49:c.298,A-19)	
war defined ('49:c.370,A-20)	
re-employment upon termination of	
military service ('51:c.262,A-19)	77, 78
veterans' affairs council..... ('51:c.75,E-252)	603-606
MILITARY SERVICE	
employment security benefits after	
termination of ('51:c.197,A-81)	221-223
retirement system, service credit..... ('49:c.261,A-25)	
retirement system members, special	
benefits for ('51:c.262,A-19)	80-84
small estates ('45:c.258,D-190)	
MILITIA	
constitution, etc. ('47:c.123,E-189)	
courts-martial, convening, punishment..... ('51:c.30,E-249)	599
See National Guard	
pay of enlisted men on active duty..... (Sp.'49:c.31,E-45)	
MILK DEALERS	
fee for license..... ('51:c.146,C-164)	417
MINORS	
See Children	
MISSING PERSONS' ACT	
death, proof of ('45:c.148,D-171)	
MIXED FEED STUFFS	
inspectors ('51:c.56,A-38)	125, 126
inspectors ('49:c.135,A-44)	
regulation of ('47:c.84,A-36)	
MOLOKAI	
absentee voters ('45:c.99,A-7)	
airport improvement ('47:c.23,F-215)	
See also ('45:c.153,F-232)	
Also topic "Hospitals and Settlement," Hawaiian Homes"	
cable-way, Kalaupapa ('45:c.203,F-235)	
cemeteries for veterans ('47:c.214,E-190)	
clerk, district court ('47:c.26,D-157)	
improvements, appropriation ('45:c.230,F-273)	
Kaunakakai improvements ('47:c.48,E-196)	
Kaunakakai school cafeteria..... (Sp.'49:c.26,F-62)	
road improvements ('49:cc.92,226,F-389,392)	
water facilities, appropriation..... (Sp.'49:c.47,F-63)	
water storage, Hoolehua ('47:c.63,F-236)	
See Maui County	
MOLOKAI COMMUNITY HOSPITAL	
appropriations, 1951-1953..... ('51:c.318,F-274)	667
MONEY, PUBLIC, EXPENDITURE OF	
See Expenditure of Public Money	
MONOPOLY	
cooperative associations, not deemed as..... ('49:c.234,C-230)	

CUMULATIVE INDEX

	PAGE
MORTGAGES	
accounts receivable, assignment and notice..('51:c.45,C-210)	516-521
Bankhead-Jones Farm Tenant Act, loans	
secured under	('49:c.340,C-233)
creditor of decedent	('47:c.98,D-170)
insured by administrator of veterans affairs	('45:c.223,C-147)
leased property, building and loan associations	('49:c.67,C-229)
lien of, priority	('51:c.202,C-215)
loans and mortgages insured under	
federal laws	(Sp.'49:c.17,C-33)
loans and mortgages under National Housing Act..('49:c.118,C-232)	
on leased property, building and loan	('45:c.98,C-145)
trust security, § 8661 (d)	('47:c.125,C-147)
veteran's guardian's right	('47:c.202,D-186,s.15)
minor veteran's right	('47:c.9,D-174)
MOTOR VEHICLES	
abandoned vehicles, disposition of by	
police officers	('49:c.194,A-164)
automobile dealers' and salesmen's licenses..('51:c.90,C-177)	433-446
See Automobile Dealers and Salesmen	
blind persons with canes, caution	('47:c.35,A-73)
casualty insurance rates	('47:c.60,C-145)
chauffeurs, operators licenses:	
convictions, records to be furnished by	
courts	('51:c.206,C-175)
definitions	('51:c.168,C-172)
duplicate license, issued when	(Sp.'49:c.35,C-31)
exempted persons	(Sp.'49:c.19,C-32)
general provisions	('51:c.313,174)
license	
duplicate license, issuance of	(Sp.'49:c.35,C-31)
exempted persons	(Sp.'49:c.19,C-32)
general provisions	(Sp.'49:c.35,C-31)
suspension or revocation	(Sp.'49:c.19,C-32)
suspension of by juvenile court	('49:c.46,D-291)
common carriers, regulation in Hawaii county....(Sp.'49:c.54,B-26)	
dealers and salesmen:	
See Automobile Dealers and Salesmen	
financial responsibility, § 7417	('47:c.168,C-132)
fleet insurance, territorial	('47:c.245,A-94)
government owned, regulations concerning, penalty..('49:c.389,A-14)	
Honolulu parking facilities	('45:c.225,B-134)
interference with, unlawful when, penalty	('49:c.73,D-267)
license, special, 15-17	('47:c.38,C-131)
license, vehicles for hire	('51:c.114,252,C-166,C-167)
lien for work and materials	('49:c.187,C-241)
malicious conversion of, penalty	('49:c.217,D-266)
number plates, § 5710	('47:c.33,A-81)
obstruction of passageway, penalty	(Sp.'49:c.9,D-43)
registration of vehicles:	
appeal from treasurer's decision,	
procedure, costs	('51:c.237,C-176)
application, form, contents	('51:c.168,C-172)
bond to protect treasurer	('49:c.162,C-215)
certificates of registration and ownership	('49:c.166,C-217)
conditional registration	('51:c.237,C-176)
containers for registration certificates	('49:c.166,C-217)
dealers, duties, temporary permits	('49:c.162,C-215)
errors, correction of, fees	('51:c.168,C-172)
expense	('51:c.162,A-126)
full faith and credit to current certificates..('51:c.168,C-172)	427, 428
penalties	
transfer, non-delivery of certificate	('49:c.188,C-219)
tax lien and encumbrance record	('49:c.164,C-216)
taxes, payment when vehicle purchased	
outside the Territory	('49:c.167,C-218)
transfer of title, procedure on	('49:c.188,C-219)
treasurer's duties	('49:c.162,C-215)
unlawful removal from county	('51:c.162,A-126)

CUMULATIVE INDEX

MOTOR VEHICLES—continued

PAGE

registration of vehicles:—continued

vehicles located outside the Territory....('51:c.168,C-172)	428, 429
vehicles located outside the Territory.....('49:c.167,C-218)	
weight and identification, certificate of.....('49:c.162,C-216)	
safety responsibility act:.....('49:c.393,C-224)	
accidents, reports of to be made.....('49:c.393,C-224)	
additional proof of responsibility required when.....('49:c.393,C-224)	
amount and form of security.....('49:c.393,C-224)	
appeal from chief of police.....('49:c.393,C-224)	
application of act, supplemental to	
existing regulations.....('49:c.393,C-224)	
assigned risk plans, appeal.....('49:c.393,C-224)	
attorney general, duties.....('49:c.393,C-224)	
bankruptcy does not relieve judgment	
debtor of requirements.....('49:c.393,C-224)	
bond as proof of financial responsibility.....('49:c.393,C-224)	
cancellation or termination of policy,	
notice of to be given.....('49:c.393,C-224)	
chiefs of police to administer act.....('49:c.393,C-224)	
county attorney, prosecutor to assist	
chief of police.....('49:c.393,C-224)	
custody, disposition and return of security.....('49:c.393,C-224)	
definitions.....('49:c.393,C-224)	
duration of proof of responsibility,	
cancellation and return, exceptions.....('49:c.393,C-224)	
evidence, reports and findings, not to be used as.....('49:c.393,C-224)	
excepted motor vehicles.....('49:c.393,C-224)	
exceptions, government vehicles.....('51:c.184,C-180)	449
exceptions to requirement of security.....('49:c.393,C-224)	
instalment payment of judgment, default.....('49:c.393,C-224)	
insurance policy, requirements of.....('49:c.393,C-224)	
insurance policy as proof of financial	
responsibility.....('49:c.393,C-224)	
methods of proof of financial responsibility.....('49:c.393,C-224)	
money or securities as proof of financial	
responsibility.....('49:c.393,C-224)	
motor vehicle liability policy, requirements of.....('49:c.393,C-224)	
non-payment of judgment, suspension of	
license, exceptions.....('49:c.393,C-224)	
non-residents proof of financial responsibility.....('49:c.393,C-224)	
operating records of persons to be furnished.....('49:c.393,C-224)	
other insurance policies not affected.....('49:c.393,C-224)	
owner may give proof of responsibility	
for others.....('49:c.393,C-224)	
payments on judgments to satisfy requirements.....('49:c.393,C-224)	
penalties.....('49:c.393,C-224)	
proof of financial responsibility required	
upon conviction of certain offenses.....('51:c.185,C-179)	447, 448
proof of responsibility required when	
license subject to revocation.....('49:c.393,C-224)	
rules and regulations.....('49:c.393,C-224)	
security required after accident,	
exceptions.....('51:c.183,C-178)	447
security required after accident, exceptions.....('49:c.393,C-224)	
self-insurers.....('49:c.393,C-224)	
substitution of proof of responsibility.....('49:c.393,C-224)	
surrender of license, required when.....('49:c.393,C-224)	
suspension of license, duration of.....('49:c.393,C-224)	
suspension of license continues until	
judgment satisfied.....('49:c.393,C-224)	
suspension of license for failure to post security.....('49:c.393,C-224)	
unlicensed drivers, application of law to.....('49:c.393,C-224)	
school busses and common carriers, drivers	
of, special restrictions.....('51:c.254,C-173)	429
tax clearance required for licenses to drive or sell.....('49:c.352,A-150)	
tax lien and encumbrance record.....('49:c.164,C-216)	
taxes on.....('51:c.222,162,A-125,A-126)	308-313
See Taxation, specific taxes	
school busses, operators.....('45:c.110,C-142)	
taxation, regulation, study of.....('45:J.R.9)	
taxes on motor vehicles purchased outside	
the Territory.....('49:c.167,C-218)	

CUMULATIVE INDEX

	PAGE
MOTOR VEHICLES—continued	
traffic violations:	
See Crimes and Offenses	
trust receipts, uniform law, application of.... ('51:c.43,C-217)	530
See Trust Receipts	
veteran amputees, aid to..... ('47:c.16,F-221)	
MOTORCYCLES	
malicious conversion of, penalty..... ('49:c.217,D-266)	
noisy mufflers, penalty ('49:c.21,D-276)	
MUFFLERS	
required on motorcycles, penalty..... ('49:c.21,D-276)	
NAMES	
adoption ('45:c.40,D-194)	
agricultural cooperative associations ('49:c.234,C-230)	
change, identification ('47:c.246,A-38)	
changed how, § 12387 ('45:c.145,D-200)	
co-operatives ('47:c.235,C-135)	
NARCOTIC DRUGS	
definition of ('49:c.9,A-84)	
sale to minors, penalty..... ('51:c.145,D-230)	571
NATIONAL BANKS	
merger with territorial banks..... ('51:c.198,C-186)	461-466
NATIONAL EMERGENCY	
civil defense law..... ('51:c.268,E-253)	606-636
See Civil Defense	
NATIONAL GUARD	
See Armed Forces	
active service, drills, etc., reporting for..... ('51:c.115,E-251)	601
active service, required when..... ('51:c.115,E-251)	601
appropriations, 1951-1953..... ('51:c.318,F-274)	669
armory board, appointment, duties, etc..... ('51:c.37,E-250)	599, 600
courts-martial, convening, punishment..... ('51:c.30,E-249)	599
drills, etc., salaries ('47:c.123,E-189)	
organization, etc. ('47:c.123,E-189)	
pay ('51:c.115,E-251)	601, 602
pay of enlisted men on active duty..... (Sp.'49:c.31,E-45)	
property, ownership of..... ('51:c.115,E-251)	601
workmen's compensation ('47:c.169,A-67)	
workmen's compensation benefits..... ('51:c.48,A-89)	237
NATIONAL HOUSING ACT	
loans and mortgages insured under..... (Sp.'49:c.17,C-33)	
loans and mortgages insured under..... ('49:c.118,C-232)	
See Hawaii Housing Authority	
NATIONAL MEMORIAL CEMETERY	
improvement of area contiguous to..... ('49:J.R.28)	
NATUROPATHY	
applicants to practice, qualifications..... ('49:c.214,A-85)	
powers and authority of board..... ('49:c.214,A-85)	
revocation or suspension of license..... ('49:c.214,A-85)	
vital statistics, registration of..... ('49:c.327,A-92)	
NAVY	
legal officers permitted to appear in	
traffic court (Sp.'49:c.38,D-37)	

CUMULATIVE INDEX

	PAGE
NECESSARIES	
governor's powers to make available in case of emergency.....(Sp.'49:c.21,A-5)	
NEGLIGENT HOMICIDE	
proof of financial responsibility required when('51:c.185,C-179)	448
NEGOTIABLE INSTRUMENTS	
accounts receivable, assignment and notice..('51:c.45,C-210)	516-521
checks, drafts, by or to fiduciary.....('45:c.197,C-148,ss.5,6)	
fraudulently drawing on bank, intent.....('51:c.303,D-231)	572
revenue bonds, § 5934('47:c.74,A-97)	
stock certificates; endorsed('47:c.124,C-136,s.6)	
transfer of by fiduciary.....('45:c.197,C-148,s.4)	
trust receipts, uniform law.....('51:c.43,C-217)	527-538
See Trust Receipts	
warehouse receipts, uniform act.....('51:c.39,C-218)	539-554
See Warehouse Receipts	
NENE, HAWAIIAN GOOSE	
appropriation for rehabilitation.....('51:c.68,F-292)	687
NETS	
fishing, minimum size('49:c.211,A-37)	
NEW TRIAL	
bond, insufficient or failure to file, procedure....(Sp.'49:c.41,D-35)	
NIGHT CLUBS	
inspection of by probation officers.....('49:c.159,D-246)	
plans, approval of fire marshal.....('45:c.186,C-150)	
NON-RESIDENTS	
associations, service of process on.....(Sp.'49:c.4,D-38)	
motor vehicle operator's license, temporary exemption(Sp.'49:c.19,C-32)	
NON-SUPPORT, DESERTION	
penalty('51:c.257,D-237)	581, 582
See Desertion and Non-Support	
penalty('49:c.383,D-282)	
NOTARIES	
acknowledgments outside U. S.('47:c.86,D-188)	
agricultural commodities, hearing('45:c.252,A-29)	
airport zoning('45:c.182,A-85)	
building-loan, connected with.....('51:c.82,C-188)	467, 468
commercial rent control, review.....('45:c.69,B-215)	
director, civil identification('47:c.246,A-38,s.1540.01)	
fees('51:c.281,C-183)	455
signatures of certain officials.....('45:c.84,D-207)	
NOTICE	
See Limitations of Actions	
accounts receivable, assignment and notice..('51:c.45,C-210)	516-520
associations, suits by and against, service of process or notice.....(Sp.'49:c.4,D-38)	
non-resident association(Sp.'49:c.4,D-38)	
civil service examinations.....('51:c.319,A-2)	11
contracts, bids, etc.('45:c.147,A-9)	
corporate meetings('45:c.228,C-146)	
cotenant, tax lien('45:c.220,A-98)	
creditors' claims, probate('45:c.273,D-201)	
dower, curtesy, barring('45:c.212,D-192)	

CUMULATIVE INDEX

	PAGE
NOTICE—continued	
escheat of unclaimed moneys in courts.....	('49:c.396,D-255)
evidence, death notice	('45:c.148,D-171)
government employees' associations, election to determine official association.....	(Sp.'49:c.5,A-2)
guardian's sale of real property.....	('49:c.81,D-297)
highway excavation, completion	('45:c.173,A-88)
labor complaints	('45:c.250,A-88)
landlord and tenant, notice to vacate.....	('49:c.39,A-266)
laundry lien, redemption	('45:c.188,C-151)
mechanics and materialmen, liens of.....	('49:c.241,C-240)
See Liens	
probate, creditors' claims	('45:c.273,D-201)
sale, § 12027	('45:c.122,D-188)
small estates	('45:c.204,D-189)
rules, regulations, hearings on.....	('49:c.260,A-15)
rules and regulations, public hearings on....	('51:c.279,A-16)
soil conservation	('47:c.191,A-37,s.3)
tax liens and encumbrances against motor vehicles, record of	('49:c.164,C-216)
unclaimed property, sale of	('49:c.319,B-165)
urban redevelopment act, defined.....	('49:c.379,B-175)
workmen's compensation	('45:c.357,A-75)
NUISANCES	
abatement and prevention of by injunction, procedure	('49:c.40,D-263)
agricultural commodities	('45:c.252,A-29,s.2)
airport hazard	('45:c.182,A-85,s.2)
bagasse dust, smoke, § 6233 (8).....	('45:c.56,B-124)
farm produce law, violation of.....	('49:c.114,A-41)
fruit, vegetable, nuts, export law, abatement of....	('49:c.117,A-42)
NUMBER	
§ 14 amended	('45:c.233,A-2)
NURSES	
chapter 52 amended	('45:c.103,A-54)
but see	('47:c.240,A-57,p.117-23)
exceptions, § 2779	('45:c.103,A-54)
health center, Nanakuli	('47:J.R.10)
meetings of board, § 2772.....	('45:c.103,A-54)
nursing education and nursing services commission	('51:J.R.18)
practical; registered	('47:c.240,A-57)
regulations amended, §§ 2770-71, 2773-81.....	('47:c.240,A-57)
rules, § 2781	('45:c.103,A-54)
scholarship fund for graduate nurses.....	('51:c.315,F-285)
NUTS	
export of, duties of industrial research advisory council	('49:c.122,A-43)
export of, regulation	(Sp.'49:c.56,A-12)
export of, regulation	('49:c.117,A-42)
See Agricultural Products	
OAHU PRISON	
prison camps as a part of.....	('49:c.238,A-99)
sale of land, disposition of proceeds.....	('51:c.314,F-301)
OATH	
agents to sell hunting licenses, power to administer..	('49:c.82,A-28)
board or commission, power to administer.....	('49:c.329,A-17)
guardian's, land sale, repealed.....	('47:c.97,D-185)
legislative hearings, power to administer.....	(Sp.'49:c.40,A-7)
loyalty, civil service.....	('47:c.117,A-18)
administrator; duplicate	('45:c.131,A-17)
loyalty oath, government employees.....	('51:c.154,A-21)
loyalty oath, government employees.....	('49:c.137,A-21)
subversive activities commission.....	(Sp.'49:J.R.5)

CUMULATIVE INDEX

	PAGE
OBSTRUCTION	
of ingress or egress, penalty.....(Sp.'49:c.9,D-43)	
OFFICE HOURS	
government offices('49:c.232,A-16)	
OFFICERS	
See Civil Service, Government Employees	
attorneys as masters('45:c.95,A-10)	
bonds of('45:c.205,A-13)	
civil service law.....('51:c.319,A-2)	2-27
government, salary while abroad.....('47:c.1,A-74)	
loyalty oath required of public officers.....('49:c.137,A-21)	
sick leave, substitute('47:c.27,A-16)	
signatures, proof of('45:c.84,D-207)	
of armed forces('45:c.53,D-208)	
OPELU	
fishing for regulated, penalty.....('51:c.13,A-35)	114
OPTICIANS	
board of examiners:	
appointment, qualifications, etc.('49:c.183,A-87)	
expenses, special fund('49:c.183,A-87)	
organization, meetings, records('49:c.183,A-87)	
rules and regulations('49:c.183,A-87)	
certificates:	
application for('49:c.183,A-87)	
expiration and renewal('49:c.183,A-87)	
issuance of denial of.....('49:c.183,A-87)	
reinstatement('49:c.183,A-87)	
revocation or suspension, hearings on.....('49:c.183,A-87)	
definition of dispensing optician.....('49:c.183,A-87)	
employees, experience required of.....('49:c.183,A-87)	
fees('49:c.183,A-87)	
hearings before board, procedure, notice.....('49:c.183,A-87)	
penalty for violations('49:c.183,A-87)	
prohibited practices('49:c.183,A-87)	
exceptions('49:c.183,A-87)	
reports to board('49:c.183,A-87)	
to governor('49:c.183,A-87)	
saving clauses('49:c.183,A-87)	
title of law('49:c.183,A-87)	
OPTOMETRY	
appeal on refusal of license.....('49:c.58,A-86)	
certificate of registration('49:c.58,A-86)	
examinations('49:c.58,A-86)	
expenses of board('49:c.58,A-86)	
fees('51:c.230,A-61)	176
fees('49:c.58,A-86)	
opticians, dispensing, licensing of.....('49:c.183,A-87)	
practice of, defined('49:c.58,A-86)	
prohibited practices('49:c.58,A-86)	
refusal to examine or issue certificate.....('49:c.58,A-86)	
revocation of certificate, ground for.....('51:c.230,A-61)	176
unauthorized practices prohibited('49:c.58,A-86)	
ORDINANCES	
codes, enactment of by reference, Hawaii	
and Maui counties.....(Sp.'49:c.53,B-28)	
conflicting with park board act.....('45:c.237,B-137)	
See Hawaii Housing	
judicial notice('45:c.195,D-169)	
juvenile court('45:c.142,D-154)	
standard time('47:c.161,A-1)	
ORGANIC ACT	
amendments requested('47:J.R.25)	
bond limit, raising of.....('47:J.R.1)	
legislators, disqualification of.....('51:J.R.12)	732, 733

CUMULATIVE INDEX

	PAGE
OSTEOPATHY	
board of health to consult with board	
of examiners, when	('49:c.120,A-88)
fees, amount, disposition of	('51:c.201,A-62) 177, 178
license:	
notice of charges, hearing	('49:c.120,A-88)
restoration of	('49:c.120,A-88)
revocation, suspension or refusal to issue	('49:c.120,A-88)
notice of charges, hearing	('49:c.120,A-88)
pharmacy act inapplicable, § 2901 (c)	('45:c.155,A-55)
regulations amended	('47:c.185,A-58)
vital statistics, registration of	('49:c.327,A-92)
OVERTIME WORK	
government employees' compensatory time off	
for overtime work	(Sp.'49:c.36,A-6)
PACIFIC MEMORIAL FOUNDATION	
war history, memorial	('47:c.186,F-223)
war memorial agency	('47:J.R.24)
PACIFIC WAR MEMORIAL COMMISSION	
appropriation for	('51:J.R.37) 759, 760
commission, appointment, tenure	('49:c.288,E-309)
powers of commission	('49:c.288,E-309)
expenditure of funds, appropriation	('49:c.288,E-309)
lands for use of commission	('49:c.288,E-309)
Oahu prison land, use of	('51:c.314,F-301) 697
powers of	('51:J.R.37) 759, 760
secretary, assistants, salaries, contracts	('49:c.288,E-309)
PARDON	
parolee, honorably discharged from military	
service, eligible for	('49:c.2,A-103)
PARENTS	
See Children, Husband and Wife	
adoption, decree	('47:c.47,D-175)
adult education	('45:c.108,A-33)
delinquency, dependency, contributing to	('45:c.187,D-193)
expense of inmate, Waimano home	('45:c.193,A-65)
expenses of delinquents, etc.	('45:c.4,D-196)
paternity cases, expenses	('47:c.57,D-176)
vaccination, immunization, duties	('45:c.171,A-49)
PARKING FACILITIES	
Honolulu, off-street	('45:c.225,B-154)
Honolulu, off-street, authorized, revenue bonds for	('49:c.153,B-169)
PARKS AND RECREATION	
appropriations, § 6772	('47:c.120,B-128)
beaches, trails to	('45:c.76,D-185)
beaches, ways to	('45:c.98,A-76)
birds, importation of	('45:c.237,B-137,s.5)
board of	('45:c.237,B-137)
appointment, employees, § 6770	('45:c.237,B-137)
parks, recreation grounds under	('45:c.237,B-137,s.4)
parks under territorial system	('49:c.185,A-32)
quorum, § 6763	('45:c.237,B-137,s.3)
term of, § 6762	('45:c.237,B-137,s.2)
bonds for, Honolulu	('47:c.68,F-213)
concessions, revenues, disposition of	('51:c.215,B-161) 413, 414
concessions, to citizens, § 6774	('45:c.237,B-137,s.8)
conflicting laws, ordinances revealed	('45:c.237,B-137)
construction of terms	('45:c.237,B-137,s.9)
(amending §§ 6764-67, 6771, 6773, 6775)	
contracts, § 6769	('45:c.237,B-137,s.5)
contracts, purchase and sale of property	('49:c.93,B-208)
games, bribery	('47:c.186,D-167)

CUMULATIVE INDEX

	PAGE
PARKS AND RECREATION—continued	
Hawaii, tidal wave damage.....('47:c.227,F-226)	
Honolulu	
bond issue for.....('51:c.255,E-264)	649-651
bond issue, request for.....('51:J.R.36)	757-759
concessions, leases, disposition of	
revenues.....('51:c.215,B-161)	413, 414
income from, § 6774.....('45:c.237,B-137,s.8)	
Maui county.....('51:c.208,B-152)	397-400
playgrounds, Honolulu.....('45:c.237,B-137,s.4)	
purchase, sale, etc., § 6769.....('45:c.237,B-137,s.5)	
recreational programs.....('47:c.120,B-128)	
shade tree trimming, § 6768.....('45:c.237,B-137,s.4)	
term of board members, § 6762.....('45:c.237,B-137)	
territorial parks.....('49:c.185,A-32)	
See Agriculture and Forestry,	
subhead, territorial parks division	
Waikiki beach, acquisition of.....('45:c.141,B-133)	
Waikiki beach patrol, transfer to board.....('49:c.127,B-207)	
Waikiki war memorial natatorium,	
transfer to board.....('49:c.6,B-206)	
PAROLE	
felons, terms and conditions of,	
suspension or revocation.....('49:c.13,A-102)	
honorable discharge from military service	
of parolee, effect of.....('49:c.2,A-103)	
PARTIES	
associations, suits by and against,	
service of process.....(Sp.'49:c.4,D-38)	
judgment, enforcement of.....(Sp.'49:c.4,D-38)	
PARTITION	
Honolulu planning commission,	
approval of subdivisions.....('49:c.222,B-204)	
PARTNERSHIP	
death, continuance of.....('45:c.215,D-187)	
embezzlement by partner.....('45:c.63,D-181)	
fiduciary powers, restrictions.....('45:c.197,D-148)	
married woman's contract, § 12366.....('45:c.5,D-198)	
penalties, waiver of.....('49:c.34,C-238)	
rating license.....('47:c.60,C-146,s.6)	
also.....('47:c.61,C-146,s.6)	
PATENT MEDICINES	
sale of.....('49:c.175,A-89)	
PATERNITY PROCEEDINGS	
limitation; expenses.....('47:c.57,D-176)	
public health records as evidence.....('49:c.327,A-92)	
procedure.....('45:c.177,D-195)	
PATHWAYS	
to beaches over public lands.....('45:c.96,A-76)	
trespass inapplicable.....('45:c.76,D-185)	
PAYMENT OF CLAIMS	
See Appropriations	
PEDDLERS	
compensating tax duties.....('47:c.113,A-85)	
Honolulu, on streets, § 6521 (2).....('45:c.27,B-131)	
See Economic Poisons, Fair Trade, Seeds	
PENALTIES	
See Crimes and Offenses	

CUMULATIVE INDEX

	PAGE
PENSIONS	
bonus continued	('47:c.84,B-198)
bonus for	('51:c.247,F-279) 677, 678
bonus for 1945-47	('45:c.175,F-234)
bonus for pensioners	(Sp.'49:c.32,E-50)
bonus for pensioners	('49:c.376,E-330)
corporate authority	('47:c.104,C-138)
county:	
amount	('49:c.250,B-173)
appropriations directed	('45:c.264,B-122,s.4)
eligibility, payments	('49:c.156,B-172)
former employees, amount, etc.	('45:c.264,B-122)
restrictions as to payment	('51:c.A-65,B-132) 323, 324
restrictions as to payment	('49:c.161,B-174)
effect of enacting R. L. 1945	('45:c.1,A-1,s.2(e))
extension of county, terminates	('47:c.153,B-104)
fiduciary stockholder, voting	('47:c.105,C-139)
fund for, income deductions	('47:c.150,A-87)
Honolulu: Kate de Mello	('45:c.270,E-222)
Perry, Ida Moniz	('47:c.241,E-197)
Silva, Charles	('45:c.134,E-223)
Kaleiheana, Mrs. Annie	('47:c.93,E-199)
Keahi, Mrs. E. K.	('47:c.92,E-200)
Kekapa, Wm. K.	('47:c.247,E-201)
legislators, supervisors	('47:c.23,A-19)
leper, patient employees	('45:c.229,A-51)
Maul: Chas. A. Buchanan	('45:c.269,E-224)
meetings of board, § 6184	('47:c.87,B-103)
municipal and county systems	
service, computation of	(Sp.'49:c.58,B-24)
Paa, Mrs. Apolonia	('47:c.92,E-200)
reinstatement of Le Roy Kay	('49:J.R.24)
reinstatement of William Viela, Sr.	('51:c.107,E-273) 661, 662
retirement, pension commission	('45:c.218,A-18)
See Retirement, 1947 Supplement	
Territory: Mary Kiyoji	('45:c.268,E-225)
Rose Kiyoji	('45:c.267,E-226)
C. W. McFarlane	('45:c.271,E-227)
W. C. Vannatta	('45:c.84,E-229)
PERJURY	
false swearing before board or commission	('49:c.329,A-17)
false swearing before loyalty board	('51:c.256,A-20) 95
legislative hearings, false swearing before	(Sp.'49:c.40,A-7)
subversive activities commission, false	
testimony before	(Sp.'49:J.R.5)
PERMITS	
See Licenses	
firearms, registration of	(Sp.'49:c.24,C-30)
fishing in canals	('47:c.19,A-32)
nets for nehu, lao	('47:c.179,A-33)
"PERSON"	
construction of	('45:c.233,A-2,s.3)
identification, registration	('47:c.246,A-38)
restraint of by force or threats,	
unlawful when, penalty	('49:c.73,D-267)
PERSONAL PROPERTY	
claim and demand for, procedure	(Sp.'49:c.6,D-40)
See Claim and Demand	
descent of	('51:c.306,D-234) 577, 578
liens against, right to retain possession	
for charges, exception	('49:c.187,C-241)
special proceedings for immediate possession	
of, procedure	(Sp.'49:c.7,D-41)
See Special Proceedings	
trust receipts, uniform law	('51:c.43,C-217) 527-538
See Trust Receipts	

CUMULATIVE INDEX

PAGE

PERSONAL PROPERTY TAX

repealed('47:c.111,A-81,s.7)
See Taxation

PHARMACISTS, PHARMACY

application of law('49:c.175,A-89)
poison law not amended.....('49:c.175,A-89)
board of pharmacy:
 appointment, qualifications, powers, etc.....('49:c.175,A-89)
 definitions('49:c.175,A-89)
 examinations('49:c.175,A-89)
 fees('49:c.175,A-89)
 injunction to restrain violations.....('49:c.175,A-89)
license:
 qualifications for('49:c.175,A-89)
 renewal of, fees('49:c.175,A-89)
 revocation or suspension('49:c.175,A-89)
 temporary, issued when('49:c.175,A-89)
 narcotic drugs, definitions('49:c.9,A-84)
 penalties('49:c.175,A-89)
 permits, miscellaneous, required when('49:c.175,A-89)
 revocation or suspension('49:c.175,A-89)
pharmacy:
 adequate equipment required('49:c.175,A-89)
 permits for operation, fees.....('49:c.175,A-89)
 prescription record to be kept.....('49:c.175,A-89)
 registered pharmacist to be in charge.....('49:c.175,A-89)
 registered pharmacist, duties of('49:c.175,A-89)
 rules and regulations('49:c.175,A-89)

PHOTOGRAPH, PHOTOSTAT, RECORDS

archives, fees for('45:c.109,D-170)
facsimile copies('45:c.17,D-168)
fees for copies('45:c.248,A-11)
permitted; destruction of originals.....('45:c.26,A-12)

PHOTOGRAPHIC REPRODUCTIONS

business and public records as evidence....('51:c.104,D-229) 567

PHYSICIANS

See Health

antitoxins, vaccines, drugs, etc., purchase of
 by board of health.....('45:c.191,A-46)
births, duty to report.....('49:c.327,A-92)
coroner's inquests('49:c.355,D-260)
deaths or stillbirths, duty to report.....('49:c.327,A-92)
eligibility for taking examinations.....('49:c.52,A-80)
immunization, vaccination('47:c.165,A-51)
 See also('45:c.171,A-49)
license to practice, qualifications.....('51:c.173,A-60) 173, 174
opticians, licensing of('49:c.183,A-87)
osteopathic('47:c.185,A-58)
osteopathic, revocation or suspension of license.....('49:c.120,A-88)
pharmacists, pharmacy, regulation of('49:c.175,A-89)
practice of medicine and surgery defined.....('49:c.63,A-79)
revocation of license, etc.....('47:c.201,A-53)
revocation or suspension of license.....('49:c.108,A-81)
syphilis, premarital examination('45:c.136,D-197)
syphilis reports('45:c.105,A-47)
tubercular persons, compulsory isolation,
 hospitalization of('49:c.307,A-71)
vital statistics, registration of('49:c.327,A-92)
workmen's compensation reports, duty to make...('49:c.203,A-129)

PICKETING

criminal statute repealed('45:c.12,D-184)
residence and dwelling places, penalty.....(Sp.'49:c.8,D-44)
strikes against government, prohibited.....(Sp.'49:c.42,A-9)

CUMULATIVE INDEX

PAGE

PIMPS

defined, penalty('49:c.26,D-272)
places of, abatement and prevention by injunction.('49:c.40,D-263)

PIN-BALL MACHINES

permitting minors to play.....('45:c.36,C-139)

PLANNING COMMISSION

commission, airport zoning('45:c.182,A-85)
See Honolulu
exemption to Hawaii housing.....('47:J.R.4)
Hawaii, § 6358('47:c.77,B-108)
Honolulu, master plan('47:c.217,B-124)
Honolulu, regulation of subdivisions.....(Sp.'49:c.37,B-29)
Honolulu, regulation of subdivisions.....('49:c.222,B-204)
See Subdivisions
post-war highways('45:c.164,A-89)
university, post-war plan('45:c.169,F-241)
See University Projects, Education
urban redevelopment act('49:c.379,B-175)
See Urban Redevelopment Act

PLANS

buildings, approval of fire marshal.....('45:c.166,C-150)

PLANTS AND PLANT PRODUCTS

weed control('49:c.357,A-45)
See also Agricultural Products

PLANTS, FRUITS, ETC.

medicinal, permits to use, revocation
or suspension of('49:c.121,A-82)

PLANTS—SEEDS

See Seeds

PLAYGROUNDS

Honolulu, under board of parks, etc.....('45:c.237,B-137)
recreation, Honolulu('45:c.237,B-137)
See Parks and Recreation

PLEADING

support cases, contents of complaint.....('51:c.216,D-238) 584

PLEDGE

trust receipts, uniform law.....('51:c.43,C-217) 527-538
See Trust Receipts

POHAKULOA RESERVE

sale of lots from.....('45:J.R.5)

POISONS

definition, § 2951('45:c.139,A-56)
See Health
economic, regulation('45:c.60,A-24)
See topic Economic Poisons
fishing with, penalty('49:c.49,A-38)
label, economic poisons('45:c.60,A-24,ss.3,7)
non-poisonous household, patent medicines,
sale of, § 2901('45:c.155,A-55)
pharmacists, pharmacy, regulation of.....('49:c.175,A-89)
regulated generally, § 2015('45:c.116,A-42)
sale of, § 2952('45:c.139,A-56)
weed control substances, regulation of.....('51:c.76,A-39) 127-131
weed control substances, regulation of.....('49:c.357,A-45)

CUMULATIVE INDEX

PAGE

POLICE, POLICE OFFICERS

abandoned vehicles, disposition of.....	('49:c.194,B-164)	
aeronautics, enforcement	('47:c.32,A-75,s.18)	
bailliffs, etc., 1st circuit.....	('45:c.249,D-158)	
bonus	('47:c.212,B-106,s.3)	
civil identification, § 1540.17.....	('47:c.246,A-38)	
common nuisance, notice to abate.....	('49:c.31,D-262)	
coroner's inquests	('49:c.355,D-260)	
autopsy ordered when	('49:c.355,D-260)	
county attorneys, assignment of officers to assist.....	('49:c.249,B-178)	
crime statistics	('47:c.246,A-38)	
deputy chief, Honolulu	('47:c.11,B-120)	
drunk driving cases, medical services re tests.....	('49:c.253,D-275)	
execution, bond for expenses.....	('45:c.132,D-173)	
false report of crime to.....	('45:c.49,D-182)	
fees, accounting for	('45:c.57,D-159)	
fees and costs, schedule of.....	('49:c.387,D-252)	
fire marshal's rules, duty to enforce.....	('49:c.364,C-236)	
firearms, permit, registration of.....	(Sp.'49:c.24,C-30)	
firearms, permit, registration, penalty.....	('49:c.192,C-211)	
funeral escort to be furnished free.....	('49:c.193,B-163)	
game wardens, power	('47:c.13,A-26)	
interference with	('47:c.30,D-168)	
Hawaii county:		
appropriations	('49:c.233,B-179)	
Hawaii, Kauai, Maui	('47:c.212,B-106)	
Honolulu, appropriations, § 6812	('45:c.91,B-138)	
Honolulu, overtime pay for extra work.....	('49:c.398,F-377)	
Honolulu:		
salaries	('51:c.261,B-158)	405-407
salaries	('49:c.140,B-200,c.341,B-201 and c.351,B-202)	
investigators, attorney general's office.....	('51:c.163,A-40)	132
jailors, appointment and duties.....	(Sp.'49:c.44,A-14)	
Kauai county:		
appropriations	('49:c.224,B-180)	
legislative hearings, service of process.....	(Sp.'49:c.40,A-7)	
MauI county:		
appropriations	('49:c.23,B-181)	
Makawao and Wailuku stations, consolidation...	('49:c.36,B-182)	
motor vehicle safety responsibility act,		
administered by chiefs of police.....	('49:c.393,C-224)	
See Motor Vehicles		
motor vehicles, government owned,		
duties regarding	('49:c.389,A-14)	
motor vehicles, licensing and		
regulation of	('51:c.222,162,A-125,A-126)	308-314
obstruction of ingress or egress, order		
to move, penalty.....	(Sp.'49:c.9,D-43)	
pension, Silva	('45:c.134,B-223)	
pensions, computation of service.....	(Sp.'49:c.58,B-24)	
probation officers, juveniles	('47:c.230,D-178)	
See also	('45:c.142,D-154)	
process served on Oahu.....	('47:c.139,B-129)	
records, crimes, § 1541.03	('47:c.246,A-38)	
juveniles, confidential	('47:c.56,D-177)	
riots and dispersion thereof, penalty.....	('49:c.62,D-268)	
salaries, counties, § 6305	('47:c.212,B-106)	
salaries, county departments.....	('51:c.233,B-135)	339-342
suits against, determination whether acts were in		
scope of duty, § 6017.....	('45:c.162,B-119)	
unclaimed, stolen, lost or found property,		
duties relating to	('49:c.319,B-165)	
unclaimed evidence, disposition of.....	('49:c.182,D-259)	

POOR PERSON

See Indigent Persons

POST-WAR

highway fund	('45:c.164,A-89)	
planning division, university	('45:c.169,F-241)	
surplus U.S. goods	('45:c.207,F-248)	
unfair practices	('45:c.214,C-152)	

CUMULATIVE INDEX

PAGE

POULTRY PRODUCTS

dealers in, licensing of.....('49:c.114,A-41)

POWERS, RELEASE OF

by donee, how.....('47:c.126,C-151)

PRESUMPTIONS

commercial rent control.....('45:c.69,E-215,ss.5,10)
community property.....('49:c.242,D-296)
community property.....('45:c.273,D-201,s.5)
economic poisons.....('45:c.60,A-24,s.3)
intoxication, prosecution for drunk driving.....('49:c.283,D-275)

PRIMARY ELECTION

closed primary election.....('49:c.51,A-8)
See Elections, Primary

PRINCIPAL AND AGENT

community property.....('45:c.273,D-201)
compensating tax duties.....('47:c.113,A-85)
conservator, absentee's property.....('45:c.30,D-202)
deposits, fiduciary.....('45:c.197,C-148,ss.7-10)
fiduciary powers, restrictions.....('45:c.197,C-148)
fiduciary transfer of securities.....('45:c.197,C-148,ss.3,4)
stock transfer act.....('47:c.124,C-136)
See Agent

PRISONS AND PRISONERS

board of paroles and pardons:
parolee, honorably discharged from
military service, effect of.....('49:c.2,A-103)
commutation of punishment, felons.....('49:c.332,A-101)
crime statistics.....('47:c.246,A-38)
expense to return prisoners.....('49:c.201,F-343)
expense to return prisoners.....('47:c.184,F-220)
honorable discharge from military service
of parolee, effect of.....('49:c.2,A-103)
jailors, appointment and duties.....(Sp.'49:c.44,A-14)
labor by prisoners, pay.....('49:c.148,A-100)
labor by prisoners, pay, § 3936.....('45:c.247,A-61)
parole, terms and conditions of,
suspension and revocation.....('49:c.13,A-102)
prison camps, transfer to and
imprisonment therein.....('49:c.238,A-99)
sentence, minimum.....('47:c.199,D-164)

PRIVATE PLACES

obstruction of ingress or egress, penalty.....(Sp.'49:c.9,D-43)

PRIVATE SCHOOLS

revocation, suspension, § 1827.....('45:c.227,A-85)
standards for.....('45:c.227,A-35)
See Education

PRIVILEGE AGAINST SELF-INCRIMINATION

witnesses in conspiracy cases.....(Sp.'49:c.10,D-42)

PRIVILEGED STATEMENTS

witnesses in conspiracy cases.....(Sp.'49:c.10,D-42)

PROBATE

accounts, veteran, guardian.....('47:c.202,D-186,s.10)
appraiser's fees, §§ 5574, 9761.....('45:c.37,A-108)
attorneys, master fees.....('45:c.95,A-10)
attorneys' fees.....('51:c.167,D-224)
beneficiary's interest paid into court, when.....('47:c.99,D-171)
burial, indigents.....('47:c.22,A-70)
community property.....('45:c.273,D-201,s.15)
copies of certain records, fees for.....(Sp.'49:c.23,A-4)

562

CUMULATIVE INDEX

	PAGE
PROBATE—continued	
creditor's security, foreclosure	('47:c.98,D-170)
§ 1202	('45:c.273,D-201)
death, missing persons act.....	('45:c.148,D-171)
descent of property.....	('51:c.306,D-234) 577, 578
dower, curtesy barred when.....	('45:c.212,D-192)
determination by court.....	('45:c.212,D-192)
escheat of funds distributed to unfound beneficiaries	('49:c.395,D-280)
expense, inmate, Walmano home.....	('45:c.193,A-65)
fees of guardians, executors and administrators	('51:c.170,D-223) 559-562
fees, special service, § 9757.....	('47:c.100,D-158)
funeral expense, paternity cases.....	('47:c.57,D-176)
guardian's sale of real estate.....	('45:c.211,D-208)
no oath	('47:c.97,D-185)
See veterans' guardianship	('47:c.22,A-70)
indigent, burials	('45:c.262,A-107)
inheritance tax enforcement, § 5567.....	('45:c.215,D-187)
partnership, continuance of	('45:c.122,D-188)
real estate, sale of	
small estates:	
administration of by clerks of court.....	('49:c.395,D-280)
amount (\$1,500.00)	('45:c.206,D-189)
temporary resident	('45:c.193,D-191)
non-resident, army, navy	('45:c.258,D-190)
small estates, audit	('47:c.160,D-172)
small guardianship, § 12504	('47:c.96,D-183)
veteran's guardianship	('47:c.202,D-186)
wills	
revocation by marriage, birth or adoption of child	('51:c.270,D-235) 579
PROBATION OFFICERS	
appointment, § 12332	('47:c.230,D-178)
dance halls and night clubs, power to inspect.....	('49:c.153,D-246)
powers, 1st circuit	('45:c.142,D-154,s.3)
PROCESS	
associations, suits by and against, service of process	(Sp.'49:c.4,D-38)
See Summons and Process	
PROCURERS	
defined, penalty	('49:c.26,D-272)
places of, abatement and prevention by injunction..	('49:c.40,D-263)
PRODUCE DEALERS	
food standards	('47:c.195,A-85)
fruits, vegetables, nuts, exports of regulated.....	('49:c.117,A-42)
See Agricultural Products	
licensing, regulation of	('49:c.114,A-41)
mixed feed stuffs	('47:c.84,A-36)
regulations of	('45:c.252,A-29)
weed control, provisions generally.....	('49:c.357,A-45)
PRODUCTION OF RECORDS	
legislative hearings	(Sp.'49:c.40,A-7)
PROPERTY	
airport zoning, effect on.....	('45:c.182,A-85)
appraising of	('45:c.37,A-108)
community property	('45:c.273,D-201)
community property law amendments.....	('49:c.242,D-296)
conservator for absentee's property.....	('45:c.30,D-202)
eminent domain, excess, remnants	('45:c.185,A-8)
eminent domain, public property	('49:c.377,A-9)
fishery, condemnation, possession	('47:c.200,A-12)
fishing, hunting gear forfeited.....	('47:c.14,A-27)

CUMULATIVE INDEX

	PAGE
PROPERTY—continued	
occupier, drainage districts.....	('47:c.191,A-37)
owner's sidewalk duties	('45:c.68,B-121)
personal, launderer's lien, etc.	('45:c.188,C-151)
real, administrators' sale	('45:c.122,D-188)
guardian's sale	('45:c.211,D-208)
See re-oath	('47:c.97,D-185,p.409)
reconveyance by city of gifts.....	('45:c.97,B-132)
tax liens, generally	('45:c.220,A-98)
See Hawaii Housing, Taxation; Public Lands, Landlord & Tenant	
PROSTITUTION	
abatement and prevention of places	
by injunction proceedings.....	('49:c.40,D-263)
offense defined, penalty	('49:c.26,D-272)
places of as common nuisance, penalty.....	('49:c.31,D-262)
PROTEST	
payments to territory under, recovery.....	('51:c.224,A-41) 133, 134
PUBLIC ACCOUNTANT	
payment to territory under protest.....	('51:c.224,A-41) 133, 134
PUBLIC ARCHIVES	
fees for copies, § 9890.....	('45:c.109,D-170)
facsimile copies	('45:c.17,D-168)
See Archives, Public Documents	
rules, seal	('45:c.238,A-3)
PUBLIC CARRIERS	
See Public Utilities	
blind and guide, one fare.....	('47:c.109,A-72)
blind persons, guide dogs.....	('45:c.265,A-83)
blind with canes	('47:c.35,A-73)
bus drivers, restrictions	('45:c.110,C-142)
certificates of convenience	('45:c.189,A-78)
spitting in, prohibited	('45:c.66,A-48)
PUBLIC CONTRACTS	
bids, procedure	('47:c.18,A-13)
See § 252	('45:c.147,A-9)
hours of labor on public works.....	('51:c.139,A-12) 65, 66
PUBLIC DOCUMENTS	
archives, copies, fees	('45:c.109,D-170)
facsimile copies	('45:c.17,D-168)
See Photographs, etc., Public Records, Veterans	
copies, fees generally	('45:c.248,A-11)
copies of, fees	('49:c.345,A-12)
coroner's reports	('47:c.164,D-165)
disposal of	('49:c.65,A-13)
land court fee schedule.....	('45:c.241,D-206)
translation, Hawaiian deeds	('45:c.54,D-209)
PUBLIC EMPLOYEES	
county per diem, hours of work.....	('51:c.231,A-13) 67
hours of labor on public works.....	('51:c.139,A-12) 65, 66
public employees to be citizens, exceptions....	('51:c.44,A-11) 65
removal for failure to testify.....	('51:c.177,A-15) 70-72
rules and regulations, public hearings on....	('51:c.279,A-16) 72-74
sick leaves	('51:c.121,A-18) 76
vacations	('51:c.326,A-17) 74, 75
See Government Employees	

CUMULATIVE INDEX

	PAGE
PUBLIC HEALTH STATISTICS	
provisions generally	('49:c.327,A-92)
See Vital Statistics	
PUBLIC HIGHWAYS	
obstruction of ingress or egress, penalty.....	(Sp.'49:c.9,D-43)
See Highways	
PUBLIC INSTRUCTION	
See Education	
PUBLIC LANDS	
acquiring private lands	('47:c.107,A-68)
appraisal	('47:c.107,A-68,s.2)
appropriations, 1951-1953	('51:c.318,F-274)
Camp Banyan, recreational area.....	('47:J.R.11)
eminent domain proceedings, public property.....	('49:c.377,A-9)
farm advisory board, representative on.....	('49:c.235,A-31)
fees for consents to assign, etc.	('51:c.128,A-90)
fish and wildlife service, conveyance of land for..	('51:J.R.17)
forts and air base, request for return to Territory.....	('49:J.R.7)
Hanapepe heights, roads, water.....	('45:c.213,F-244)
Hawaii county, advance for homestead roads.....	('49:c.386,F-369)
Hawaii county office buildings, sale of, disposition of proceeds.....	('51:c.299,F-306)
Hawaii homestead roads; park.....	('45:c.259,F-276)
Hawaiian homes, Maui	('45:J.R.6)
homestead roads, Hawaii	('47:c.111,A-81)
also loan fund	('47:c.205,F-209)
also highways generally	('47:c.73,F-210)
homesteads, land improvements	('47:c.107,A-68)
Honolulu airport agreement re title.....	('49:J.R.18)
improvements, Hawaii	('45:c.259,F-276)
interest rate, sales, etc.....	('47:J.R.7)
inventories to auditor, § 1651.....	('45:c.151,A-31)
John Rogers Airport, part of to U.S.....	('47:J.R.9)
joint resolution requesting permission to sell....	('51:J.R.10)
Kamehameha III school	('45:c.245,F-267)
Kamuela-Kawaihae water main cost, reimbursement	('51:c.285,F-308)
Kapaa land development, appropriation.....	('51:c.79,F-317)
reimbursement of appropriation.....	('51:c.79,F-317)
Kapalama-Kai fill	('51:c.214,F-302)
Kauai: Waiimea, access road.....	('47:c.205,F-209)
Kaumana school and park land, acquisition of....	('49:c.91,F-360)
Kaumana school park	('47:c.102,F-227)
Kukuiula bay right of way.....	('49:c.24,F-378)
land laws revision commission.....	('45:c.180,F-277)
land patents to certain lessees.....	('49:J.R.12)
leaseholds, ways to beaches.....	('45:c.76,D-185)
leaseholds, ways to sea.....	('45:c.96,A-76)
litigation authorized	('47:c.207,F-239)
Maui airport, appropriation	('45:c.85,F-233)
See Airports	
Maui county waterworks board, reimbursement of appropriation	('51:J.R.35)
national memorial cemetery, improvement of area contiguous to.....	('49:J.R.28)
Oahu prison land, sale of.....	('51:c.314,F-301)
off-street parking, Honolulu	('45:c.225,B-134)
Organic Act amendments requested.....	('47:J.R.25)
Pestana, Joaquin, lease refund.....	('45:c.77,F-259)
Pohakuloa house lots	('45:J.R.5)
redevelopment agencies, transfer for use by.....	('49:c.379,B-175)
register for applicants seeking to acquire public lands, in each district.....	('49:c.254,A-132)
registrar of conveyances, appointment of....	('51:c.47,D-241)
deputy, appointment of.....	('51:c.47,D-241)

CUMULATIVE INDEX

	PAGE
PUBLIC LANDS—continued	
revolving fund	('47:c.107,A-68,s.3)
right of purchase lease, Ninole-Wallau, Kau, Hawaii	('51:J.R.11)
rights of way to sea.....	('45:c.96,A-76)
roads, pipe lines, etc.....	('47:c.107,A-68,s.6)
See also	('46:c.123,A-77)
See biennial appropriations and loan fund	
roads, residence sales, § 4526.....	('45:c.123,A-77)
sales of public lands, deposit to sinking fund deleted, § 5923	('47:c.107,A-68)
sales to farmers qualified for Bankhead-Jones Act loans	('51:J.R.19)
soil conservation	('47:c.191,A-27,s.8)
South Kohala, public improvements.....	('49:c.207,F-385)
special funds, § 4520	('47:c.107,A-68)
survey of public lands, appropriation for....	('51:c.260,F-287)
surveyor, territorial	('51:c.283,A-91)
taxation maps bureau	('47:c.8,A-79)
territorial highway fund, disposition of certain income	('51:c.251,A-114)
territorial park system	('49:c.185,A-32)
See Agriculture and Forestry, subhead, territorial parks division	
trespass, trails to beaches.....	('45:c.76,D-185)
university lands, appropriation	('45:c.163,F-240)
university use at Kealahoukua, commissioner to acquire	('49:c.199,F-354)
Vieira, Eddie F., Sr. refund.....	('45:c.45,F-260)
Wallua, Kauai, house lots, roads.....	('45:J.R.11)
Waima, Kauai, residence lots, roads.....	('45:J.R.7)
Waima homestead house lots.....	('45:J.R.5)
Waima public library	('47:J.R.15)
See Libraries	
water lines, residence lots.....	('45:c.123,A-77)
water resources, conservation and development of.....	('49:c.274,A-46)
ways to beaches, not a trespass.....	('45:c.76,D-185)
PUBLIC OFFICERS	
See Government Employees, Officers	
attorneys, master fees	('45:c.95,A-10)
bond, condition on	('45:c.205,A-13)
bonds of	('51:c.264,A-129)
deductions from payroll for dues and insurance premiums	('49:c.275,A-48)
loyalty oath required	('49:c.137,A-21)
rules and regulations, hearings on.....	('49:c.260,A-15)
PUBLIC OFF-STREET PARKING	
Honolulu, creation of, etc.....	('45:c.225,B-134)
PUBLIC PARKS AND RECREATION	
board of	('45:c.237,B-137)
See Parks and Recreation	
PUBLIC RECORDS	
copies of, fees	('49:c.345,A-12)
copies of, fees for certification.....	(Sp.'49:c.23,A-4)
coroner's reports	('47:c.164,D-165)
court papers, certification	('45:c.243,A-11)
costs	('45:c.94,D-161)
See Public Documents	
disposal of	('49:c.65,A-13)
identification, confidential	('47:c.246,A-38)
photostatic reproductions of as evidence....	('51:c.104,D-229)
veteran's right to free copy.....	('47:c.202,D-186,s.16)
PUBLIC SHOOTING GROUNDS	
establishment of	('51:c.6,A-31)

CUMULATIVE INDEX

PUBLIC UTILITIES

PAGE

blind, transportation, guide	('47:c.109,A-72)	
See also	('45:c.265,A-83)	
certificates, public convenience, § 4719	('45:c.189,A-78)	
certificates of public convenience and necessity	('49:c.366,A-133)	
commission, powers and duties generally	('49:c.253,A-135)	
compensation of members	('51:c.213,A-92)	240
definitions	(Sp.'49:c.65,A-17)	
definitions	('49:c.366,A-133)	
eminent domain proceedings	('51:c.12,A-8)	53
See Eminent Domain		
employment of clerical and other assistants	('49:c.179,A-134)	
federal-aid roads, excavating, etc.	('45:c.173,A-88)	
fees of utility companies, payable when	('49:c.180,A-136)	
franchise, Hilo Electric Co.	('45:c.32,E-218)	
Hilo Electric Light Co., franchise amendments	('49:c.251,E-315)	
Honolulu Rapid Transit	('47:c.133,E-192)	
Honolulu Rapid Transit, franchise amendments	('49:c.149,E-316)	
Kauai county, regulation of motor vehicle carriers	('49:c.142,F-382)	
labor disputes, mediation	('47:c.53,A-62)	
labor disputes, settlement of	('49:c.146,A-109)	
See Labor Disputes, Public Utilities		
Maui county, regulation of motor vehicle		
carriers	('51:c.55,B-145)	395, 396
motor vehicle common carriers, regulation		
in Hawaii county	(Sp.'49:c.54,B-25)	
rate increase, hearing	('47:c.53,A-62)	
real property tax exemption, claim for	('49:c.218,A-151)	
redevelopment agencies, taking of public		
utility property	('49:c.379,A-175)	
spitting prohibited where	('45:c.66,A-48)	
tax definitions, § 5672	('45:c.78,A-110)	
Wahiawa Water Co.	('47:c.237,E-193)	

PUBLIC WELFARE

additional funds, use of	('49:c.350,A-133)	
adoption proceedings	('45:c.40,D-194)	
aged persons, eligibility for assistance	('51:c.71,A-99)	248-250
antitoxins, vaccines, drugs, purchase of by		
Board of Health	('45:c.191,A-46)	
appropriations, 1951-1953	('51:c.318,F-274)	670
assistance		
disabled persons	('51:c.126,A-100)	251
improperly obtained, inquiry, suspension	('51:c.137,A-97)	247
needy persons, work by	('51:c.291,A-102)	252, 253
assistance, determination of, § 4850	('45:c.113,A-81,s.2)	
assistance, improperly obtained, inquiry,		
suspension, penalty	('49:c.308,A-140)	
blind, defined	('47:c.108,A-71)	
applications for assistance	('51:c.169,A-96)	246
bureau, deficiency	('45:c.20,F-231)	
division records, etc., transfer	('45:c.113,A-81)	
examination, § 4853	('45:c.113,A-81,s.3)	
examination of	('51:c.46,A-101)	251, 252
medical care, § 4878	('45:c.113,A-81)	
public assistance for	('51:c.125,A-93)	241-243
workmen's compensation benefits	('51:c.259,A-103)	254
board, public welfare, appointment,		
powers, duties, etc.	('49:c.346,A-137)	
board of health	('45:c.191,A-46)	
bureau of sight conservation and work with		
the blind, ch. 85.01	('45:c.113,A-81,s.4)	
See Blind, Sight Conservation		
child mental clinic	('47:c.55,A-54)	
definitions	('51:c.125,A-93)	241, 242
director:		
advisory commission for hospitals and		
medical care, member of	('51:c.129,A-57)	162, 163
children and youth commission, member of	('49:c.294,D-287)	
responsibilities of	('49:c.346,A-137)	

CUMULATIVE INDEX

	PAGE
PUBLIC WELFARE—continued	
disabled persons, assistance for.....('51:c.126,A-100)	251
fraud to receive assistance while receiving other income.....('49:c.308,A-140)	
fraudulent obtaining of benefits, penalty.....('51:c.137,138,A-97,A-98)	247, 248
Hansen's disease patients, non-diseased children of.....('51:c.24,A-95)	245
hospitals and medical care.....('51:c.129,A-57)	162-165
See Health	
illegitimates, expenses of mother.....('47:c.57,D-176)	
See also.....('45:c.177,D-195)	
indigent, burial of, § 4828.....('47:c.22,A-70)	
indigent persons, medical care of.....('51:c.129,A-57)	164
juvenile expenses.....('47:c.56,D-177)	
lien on real property of aged beneficiaries....('51:c.71,A-99)	249-250
mental hygiene expenses.....('47:c.6,A-55)	
organizations caring for dependent children, authority over.....('49:c.353,A-139)	
pension bonus, biennium.....('45:c.175,F-234)	
powers generally, § 4827 (9).....('45:c.157,A-79)	
protection of records; penalties, payments inalienable apply to blind, § 4879.....('45:c.113,A-81)	
public welfare fund, transfer, abolished.....('49:c.350,A-138)	
public work projects, work on.....('51:c.291,A-102)	252, 253
records, confidential nature, protection of....('51:c.226,A-94)	243, 244
staff, education of, § 4827 (9).....('45:c.157,A-79)	
See Blind, Sight Conservation Vocational Training	
PUBLIC WORKS	
airport appropriations.....('47:c.23,F-215)	
Hana, Kaliua, Kalaupapa, Lanai, Lihue.....('45:c.153,F-232)	
Kahului, Puunene.....('47:J.R.18)	
Keel, John Rodgers.....('45:c.87,E-219)	
Mauli airport, appropriation.....('45:c.35,F-233)	
zoning.....('45:c.182,A-85)	
appropriations for (1950 special session).....(Sp.'50:c.5)	4, 5
appropriations 1951-1953.....('51:c.318,F-274)	670
blind persons' stands, appropriation for....('51:c.207,F-286)	683
building plans, approval by fire marshal.....('45:c.166,C-150)	
cemetery improvements, etc.....('45:c.129,F-237)	
upkeep.....('45:c.128,F-236)	
combustibles, definition, regulation of.....('51:c.101,A-105)	256, 257
contracts, bids.....('47:c.18,A-13)	
See also.....('45:c.147,A-9)	
eminent domain, public property.....('49:c.377,A-9)	
engineer, duties re taxes.....('47:c.36,A-82)	
engineer, Maui.....('47:c.25,B-117)	
engineer, subordinate.....('47:c.180,A-74)	
excess construction costs.....('45:c.260,F-262)	
expenditures of public money.....('51:c.227,78,A-9,A-10)	62-64
fees for airports, appropriated.....('45:c.181,A-84)	
Hanapepe heights.....('45:c.213,F-244)	
harbor commissioners, appointment of.....('51:c.22,A-106)	259, 260
harbor director.....('47:c.228,A-77)	
wharfingers' residences, § 4900.....('45:c.112,A-90)	
Hawaii county library contract, approval of managing board's actions.....(Sp.'49:J.R.3)	
Hawaii county office buildings, sale of, new construction.....('51:c.299,F-306)	701
Hawaii Roads.....('47:c.73,F-210)	
county projects.....('47:c.111,A-81)	
See also.....('45:c.28,F-243)	
Hawaiian Homes, aid to.....('47:c.215,F-216,s.6)	
highway, Kanaloa to Nuu.....('47:c.204,F-235)	
highway engineer, compensation to harbor board for land taken.....('49:c.363,F-342)	

CUMULATIVE INDEX

	PAGE
PUBLIC WORKS—continued	
highway engineer, signs on federal-aid roads.....('45:c.172,A-86)	
highway fund, transfer of monies to.....('49:c.35,F-357)	
highway maintenance tools, furnished by counties, when('47:c.88,B-101)	
highways, post-war reconstruction('45:c.164,A-89)	
historical sites commission, approval required when('51:c.36,E-248)	598
Honokahau-Wailena gulch road.....('49:c.358,F-394)	
improvements Kauai; Honolulu('47:c.48,E-196)	
inventories to auditor, § 1651.....('45:c.151,A-31)	
Iolani Palace grounds, waiver of fire limits.....('51:J.R.25)	746, 747
Kalaupapa cable-way, etc.('45:c.203,F-235)	
Kamuela-Kawaihae water main, appropriation('51:c.285,F-308)	702
Kanaio-Kalama park road('49:c.359,F-395)	
Kapaa swamp project, claims resulting from.....('49:c.372,F-387)	
Kawainui swamp flood control agreement.....('49:J.R.3)	
library, construction of('45:c.72,F-238)	
lighting survey('49:c.390,F-402)	
loan fund act of 1951.....('51:c.321,E-268)	654-659
loan fund act of 1949, amendments('51:cc.14,100,234,E-269,E-270,E-271)	659, 660
loan fund act of 1949.....('49:c.400,E-325)	
loan fund 1947('47:c.205,F-209)	
maintenance certain cemeteries('45:c.128,F-236)	
Maui: engineer, § 6465('47:c.25,B-117)	
Molokai roads, bridges('45:c.230,F-273)	
sewers('47:c.205,F-209)	
Maui county department of.....('49:c.8,B-190)	
Maui county labor force to be used on drainage outlet project.....(Sp.'49:J.R.4)	
motor vehicles, government owned, regulations, penalty('49:c.389,A-14)	
superintendent, duties of enforcement.....('49:c.389,A-14)	
national cemetery access road.....('49:J.R.4)	
public welfare recipients, work by('51:c.291,A-102)	252, 253
superintendent: voting machine board, member of.....('49:c.318,A-7)	
superintendent, loan fund powers.....('47:c.205,F-209)	
superintendent, subordinates('47:c.180,A-74)	
superintendent's duties re inventories, § 1657....('45:c.151,A-31,s.4)	
surplus property purchase fund.....('45:c.207,F-248)	
surplus property revolving fund abolished...('51:c.211,F-303)	699
territorial highway fund, disposition of certain income('51:c.251,A-114)	275
territorial hospital special fund.....('45:c.201,A-62)	
university post-war plan('45:c.169,F-241)	
Waimea, Hawaii, irrigation and water utilization project, bond issue.....('51:c.240,E-261)	646
Waimea river channel.....('49:J.R.1,2)	
Waiohuli-Keokea beach homesteads.....('49:c.304,F-393)	
Waipio Valley road survey.....('45:c.58,F-246)	
Washington Place, repairs and equipment...('51:c.210,F-291)	686, 687
PUNA	
electric franchise in('45:c.32,E-218)	
PUNAHOU SCHOOL	
exemption, property tax('45:c.221,A-96)	
PUUKAMALII CEMETERY	
improvement, rehabilitation('45:c.129,F-237)	
upkeep, maintenance('45:c.128,F-236)	
PUUMAILE HOME	
appropriation, see biennial acts	

CUMULATIVE INDEX

	PAGE
PUUMAILE HOSPITAL	
appropriations, 1951-1953.....('51:c.318,F-274)	667
free tests and treatment for tuberculosis, when.....('49:c.90,A-70)	
QUARANTINE	
tubercular persons, compulsory isolation, hospitalization of('49:c.307,A-71)	
QUEEN'S HOSPITAL	
appropriation, see biennial acts	
QUIETING TITLE AT LAW	
action to determine adverse claims.....(Sp.'49:c.46,D-39)	
defendants, who may be.....(Sp.'49:c.46,D-39)	
judgment or decree, recording of.....(Sp.'49:c.46,D-39)	
RADIO COMMISSION	
superintendent, subordinates('47:c.180,A-74)	
RADIO STATIONS	
not liable for defamation by political candidates...('49:c.278,D-265)	
RADIUM	
purchase of by board of health.....('49:c.20,A-90)	
RAILWAY LAW	
eminent domain proceedings.....('51:c.12,A-8)	60, 61
RANCHES	
lands, returned, for tax purposes.....('51:c.133,A-108)	264, 265
REAL ESTATE BROKERS	
commission, appointment, tenure.....('51:c.77,C-184)	456
powers and duties.....('51:c.77,C-184)	456, 457, 459, 460
definitions('49:c.277,C-227)	
hearings, notice, witnesses, etc.('51:c.77,C-184)	459, 460
licenses	
fees, renewals, special fund.....('51:c.77,C-184)	458
not issued to whom.....('51:c.77,C-184)	458
revocation and suspension of.....('51:c.77,C-184)	459
no license issued when.....('49:c.276,C-228)	
REAL PROPERTY	
auctioneer's charges('51:c.186,C-163)	416, 417
descent of('51:c.306,D-234)	577, 578
guardian's sale of ward's property.....('49:c.81,D-297)	
quieting titles, action at law for.....(Sp.'49:c.46,D-39)	
subdivisions, Honolulu, sales prohibited when....(Sp.'49:c.37,B-29)	
subdivisions, Honolulu, sales prohibited when....('49:c.222,B-204)	
regulations concerning, generally.....('49:c.222,B-204)	
REAL PROPERTY TAX	
See Taxation	
RECEIPTS	
trust receipts, uniform law.....('51:c.43,C-217)	527-538
See Trust Receipts	
warehouse, uniform act.....('51:c.39,C-218)	539-554
See Warehouse Receipts	
RECEIVER	
See Conservator	
fiduciary powers, restrictions('45:c.197,C-148)	

CUMULATIVE INDEX

PAGE

RECORDS

- copies of, free('45:c.248,A-11)
- copies to veterans, free.....('47:c.202,D-188)
- See Archives, Public Documents, Public Records,
 Registration, etc.
- coroner's reports('47:c.164,D-185)
- fees for recording('47:c.86,D-188)
- photographic copies as evidence,
 uniform act('51:c.104,D-229) 567, 568
- vital statistics, fees for certified copies of.....(Sp.'49:c.34,A-13)

RECREATION

See Parks and Recreation

- board of parks, etc., Honolulu.....('45:c.237,B-137)
- bonds for Honolulu Parks.....('47:c.66,F-212)
- harbors('47:c.72,A-78)
- Hawaii county commission('49:c.221,B-186)
- places of, health regulations.....('45:c.116,A-42)

REDEVELOPMENT OF URBAN AREAS

- provisions generally('49:c.379,B-175)
- See Urban Redevelopment Act

RE-EMPLOYMENT

- members of armed forces.....('45:c.184,A-14)
- priority, expiration('47:c.118,A-17)

REFEREES

- appointment of by juvenile court, duties.....('49:c.88,D-289)

REGISTRARS

- public health statistics('49:c.327,A-92)

REGISTRATION

- births, deaths and marriages.....('49:c.327,A-92)
- See Vital Statistics

REGISTRATION OF CONVEYANCES

- accounts receivable, assignment and notice..('51:c.45,C-210) 516-521
- acknowledgment outside U.S.('47:c.86,D-188)
- acknowledgments of certain official signatures
 not required('45:c.84,D-207)
- agricultural cooperative contracts, recording of...('49:c.234,C-230)
- copies of public records, fees.....('45:c.248,A-11)
- copies of recorded instruments, fee for('51:c.141,D-244) 594
- deed, grantee's address required.....('51:c.38,D-245) 595
- deputy registrar, appointment, duties.....('51:c.47,D-241) 591
- document, size of, § 12730.....('45:c.241,D-206)
- federal tax lien notices.....('49:c.216,D-303)
- fees for filing('49:c.56,D-304)
- fees of registrar, amount, disposition of('51:c.112,D-243) 593, 594
- grantee's address in deed, required.....('51:c.38,D-245) 595
- judgment or decree quieting title, recording of... (Sp.'49:c.46,D-39)
- judgments, § 10133-34('47:c.158,D-160)
- judgments, federal, registration of.....('51:c.295,D-246) 595, 596
- land court amendments('45:c.255,D-205)
- liens
- unpaid taxes('51:c.161,A-122) 298, 299
- plans and surveys
- lot subdivisions('51:c.200,D-242) 592, 593
- recording
- deeds, grantee's address required.....('51:c.38,D-245) 595
- registrar, appointment, tenure, salary.....('51:c.47,D-241) 591
- reproduction on film, etc.....('45:c.26,A-12)
- rural housing, § 3538('45:c.200,A-58)
- subdivisions, approval of Honolulu
 planning commission('49:c.222,B-204)

CUMULATIVE INDEX

	PAGE
REGISTRATION OF CONVEYANCES—continued	
subdivisions, Kauai, maps and plans..... ('51:c.271,B-147)	361
subdivisions, Kauai county..... ('51:c.271,B-147)	357-362
subdivisions in Honolulu, regulations governing.. ('49:c.222,B-204)	
tax liens, § 5167	('45:c.220,A-98,s.1)
tax liens and encumbrances against	
motor vehicles	('49:c.164,C-216)
translations, Hawaiian records	('45:c.54,D-209)
trust receipts, filing of, fee..... ('51:c.43,C-217)	536, 537
 REGISTRATION OF MOTOR VEHICLES	
See Motor Vehicles	
 REGULATIONS	
See Rules and Regulations	
 REHABILITATION	
See Education; Vocational Schools; Public Welfare	
 RELIEF AGENCY	
disaster relief act	('49:c.320,E-304)
 RELIEF AND CLAIMS	
See Appropriations	
 RELIGION	
instruction in schools	('45:c.21,A-37)
 RENT CONTROL	
appeals from county boards..... ('45:c.178,D-155)	
commercial, defense period	('45:c.69,E-215)
See Commercial Rent Control	
housing projects	('47:J.R.4)
university projects	('47:c.141,A-42)
 REPLEVIN	
claim and demand, personal property, procedure.. (Sp.'49:c.6,D-40)	
See Claim and Demand	
special proceedings for immediate possession	
of personal property..... (Sp.'49:c.7,D-41)	
See Special Proceedings	
 REPORTERS	
salary and perquisites of..... ('49:c.361,D-251)	
 RESIDENCE OR DWELLING	
picketing of unlawful, penalty..... (Sp.'49:c.3,D-44)	
 RESTAURANTS	
plans, approved by fire marshal..... ('45:c.166,C-150)	
See Health	
 RESTRAINT BY FORCE OR VIOLENCE	
unlawful when, penalty	('49:c.73,D-267)
 RESTRAINT OF TRADE	
agricultural cooperative associations are not..... ('49:c.234,C-230)	
 RETIREMENT SYSTEM	
accumulations, return of, § 708..... ('45:c.73,A-19)	
actuarial examination and report..... ('49:J.R.19)	
age limit, waiver of..... ('49:c.70,E-326)	
age limit waiver	('47:c.5,E-205)
age of, fifty-five, § 708..... ('47:c.85,A-20)	
amendments, §§ 701-710, 1947 Supplement.....	

CUMULATIVE INDEX

	PAGE
RETIREMENT SYSTEM—continued	
Anderson, Henry M., service credit.....('49:c.106,E-227)	
appropriation for legislators and employees..('51:c.110,A-22)	100, 101
appropriations, 1951-1953.....('51:c.318,F-274)	663
average final compensation.....('47:c.85,A-20)	
Balch, D. E., service credit.....('47:c.59,E-202)	
Belt, R. M., service credit.....('47:c.71,E-203)	
benefits, ordinary death benefit.....('49:c.200,A-23)	
benefits for members in military service, repealed..('49:c.370,A-20)	
benefits to members.....('51:c.158,140,127,A-25,A-26,A-27)	103-106
board of trustees, appointment, duties, etc....('51:c.93,A-24)	102, 103
bonds, retiring of.....('45:c.8,E-220,s.3)	
bonus, restrictions.....('51:c.318,F-274)	672, 673
bonus for pensioners.....('51:c.247,F-279)	677, 678
bonus for pensioners.....(Sp.'49:c.55,E-50)	
bonus for pensioners.....('49:c.376,E-230)	
cemetery employees not under.....('45:c.128,F-236)	
circuit court personnel.....('45:c.35,D-162)	
contributions, return of, § 708.....('47:c.103,A-21)	
contributions by certain agencies.....('51:c.245,A-29)	107, 108
contributions by Territory, § 704.....('47:c.140,A-22)	
"county" includes board of water supply, Honolulu.....('45:c.73,A-19,s.1)	
county pensions, former employees.....('45:c.264,B-122)	
creditable service record, § 704.....('47:c.140,A-22)	
creditable service while employed by legislature..('47:c.58,A-23)	
"creditable services".....('45:c.73,A-19,s.1)	
See 1947 Supplement	
crime statistic, identification personnel.....('47:c.246,A-33,s.4)	
death or marriage of member, effect on named beneficiaries.....('51:c.156,A-28)	106
deficiency, election to pay, § 704.....('47:c.140,A-22)	
definitions (employee).....('51:c.110,A-22)	98, 99
disaster relief workers, rights of.....('49:c.320,E-305)	
employees of legislature.....('51:c.193,A-23)	101
employees to be notified of their eligibility, service record.....('45:c.73,A-19,s.2)	
federal funds, contributions from.....('51:c.245,A-29)	107, 108
investments.....('47:c.233,A-24)	
investments, common stocks.....('49:c.297,A-24)	
investments authorized.....(Sp.'49:c.27,A-8)	
investments in loans secured under Bankhead-Jones Farm Tenant Act.....('49:c.340,C-233)	
legislature, members of.....('51:c.110,A-22)	100
leper, employee pensions.....('45:c.229,A-51)	
loans from territorial treasurer, authorized when.....('49:c.342,A-159)	
marriage or death of member, effect on named beneficiaries.....('51:c.156,A-28)	106
member separated from service, § 708.....('47:c.103,A-21)	
membership, § 703.....('45:c.73,A-19,s.1(b))	
membership certificate, § 705.....('45:c.73,A-19)	
membership certificate, void when, § 705.....('47:c.140,A-22)	
membership in system.....('51:c.110,A-22)	99
"membership service".....('45:c.73,A-19,s.1)	
membership termination, § 703.....('47:c.103,A-21)	
military service, special benefits for members in.....('51:c.262,A-19)	80-84
military service credit; payment of contributions.....('49:c.261,A-25)	
See L. 1949, Act 370, A-20, repealing § 720	
optional allowances.....('51:c.127,A-27)	106
optional settlements.....('51:c.127,A-27)	104-106
pension commission.....('45:c.218,A-18)	
employees not subject to.....('45:c.218,A-18,s.3)	
per diem employees.....('51:c.110,A-22)	99, 100
"prior service," etc.....('45:c.73,A-19,s.1)	
public health nurses, service credit.....('49:c.317,E-329)	

CUMULATIVE INDEX

RETIREMENT SYSTEM—continued

PAGE

revenue bond purchase.....('47:c.74,A-97,s.5934)	
Rush, B. F., service credit.....('47:c.70,E-204)	
salaries partly from territorial, partly from federal funds.....('45:c.25,A-20)	
service creditable.....('51:c.110,A-22)	99
service creditable.....('49:c.269,A-22)	
service creditable, § 704.....('45:c.72,A-19)	
temporary loans to.....('47:c.167,A-93)	
transfer of Charles Silva.....('45:c.134,E-223)	
transfer of territorial bonds to, § 5927.....('45:c.42,A-117)	
trustees, board of, § 707.....('47:c.85,A-20)	
United States employment service employees, service credit.....('49:c.257,E-328)	
volcanologist.....('45:c.272,F-230)	
Waimano patients.....('47:c.183,A-60)	
waiver of age limit.....('45:c.70,F-270)	
withdrawal of Le Roy Kay.....('49:J.R.24)	
withdrawal of William Viela, Sr.....('51:c.107,E-273)	661, 662

REVENUE BONDS

airports, for improvements to.....('49:c.381,E-322)	
airports, improvements to.....('49:c.368,F-338)	
county; "municipality," § 6081.....('47:c.74,A-97)	
county bonds, termination of power to issue.....('49:c.4,B-170)	
county power terminates 1949.....('47:c.10,B-99)	
definitions, Maui waterworks and Honolulu off-street parking.....('49:c.291,B-168 and c.153,B-169)	
extension of time to issue, request for.....('49:J.R.6)	
harbor; Koolau Tunnel.....('47:c.95,F-211)	
Hawaii county board of water supply.....('49:c.28,E-317)	
Hawaii housing authority, power to issue.....('49:c.333,A-98)	
Honolulu off-street parking facilities, authorization for.....('49:c.153,B-169)	
lien on project revenue, etc., § 5937.....('47:c.74,A-97)	
not lien on general revenue.....('47:c.74,A-97)	
priority, use of funds, § 5940.....('47:c.74,A-97)	
redevelopment of urban areas, issuance for.....('49:c.379,B-175)	
See Urban Redevelopment Act	
sale, time of, § 5947.....('47:c.74,A-97)	
territorial, §§ 5931-49.....('47:c.74,A-97)	
university projects.....('47:c.141,A-42)	
time for issuing extended.....('45:c.33,B-120)	
See Bond Issues	

REVISED LAWS, 1945

enacted.....('45:c.1,A-1)	
session laws, style.....('45:J.R.4)	

RIFLES

transfer of, report, penalty.....('51:c.304,C-168)	420, 421
--	----------

RIGHTS OF WAY

See Beaches, Ways

RIOTS AND DISPERSION THEREOF

defined, penalty.....('49:c.62,D-268)	
failure to disperse, penalty.....('49:c.62,D-268)	

ROAD FUND

See Bond Issue, Taxation

ROADS

See Bridges, Highways, Public Works

ROBBERY

larceny from the person, penalty.....('51:c.316,D-232)	573
--	-----

CUMULATIVE INDEX

RODENT CONTROL

PAGE

funds for('45:c.154,F-247)
Kona('45:c.272,F-230)

ROOMING HOUSES

plans, approval of fire marshal.....('45:c.166,C-150)

RULES AND REGULATIONS

agricultural commodities control.....('45:c.252,A-29,s.4)
agriculture, fish supply.....('47:c.178,A-25)
airport hazards, etc.('45:c.182,A-85,ss.3-6)
airports('47:c.32,A-75,[s.13] and s.8)
archives, board('45:c.238,A-3)
beauty culture board, power to make.....('49:c.397,A-62)
boxing commission('49:c.264,C-225)
civil defense law.....('51:c.268,E-253) 606-636
 See Civil Defense
civil service commission.....('51:c.319,A-2) 10-16
civil service commission re new appointments,
 transfers('49:c.298,A-19)
commercial rent control.....('45:c.69,E-215)
county police('47:c.212,B-106)
criminal procedure and practice, power of
 supreme court to adopt.....('49:c.380,D-244)
economic poisons, regulating.....('45:c.60,A-24)
elections of official government employees'
 associations(Sp.'49:c.5,A-2)
employment relations act.....('45:c.250,A-68,s.11)
employment security('51:c.195,A-79) 218
feed stuffs('47:c.84,A-36)
fire marshal('49:c.364,C-236)
fish from non-territorial waters.....('45:c.107,A-25)
flour enrichment('45:c.101,A-45,s.5)
food product grades, etc.('47:c.195,A-35)
fruits, vegetables, nuts, export of.....(Sp.'49:c.56,A-12)
fruits, vegetables, nuts, export of.....('49:c.117,A-42)
Hansen's disease, by board of health.....('51:c.157,A-58) 169
Hawaii county board of water supply.....('49:c.86,B-185)
health, generally('45:c.116,A-42)
health board, power to make, generally.....('49:c.71,A-59)
hearings, defense act, § 13130.....('45:c.276,E-212,s.4)
hours of government employees, adoption of.....('49:c.232,A-16)
hunting game birds, regulations.....('49:c.145,A-34)
identification certificates('47:c.246,A-38)
insurance ratings:
 casualty('47:c.60,C-145)
 fire, marine('47:c.61,C-146)
Kauai county waterworks board.....('51:c.152,B-148) 363, 364
labor commission('51:c.23,A-74) 197
Maul county parks board.....('51:c.208,B-152) 399
Maui waterworks board.....('49:c.289,B-194)
motor vehicle dealers' and salesmen's
 licensing board('51:c.90,C-177) 435, 436
motor vehicle safety responsibility act.....('49:c.393,C-224)
non-retroactive effect, tax rulings.....('45:c.79,A-91,s.2)
nurses, § 2781('45:c.103,A-54)
public hearing on rules having effect of law.....('49:c.260,A-15)
public hearings, required when, exceptions...('51:c.279,A-16) 72-74
redevelopment agencies('49:c.379,B-175)
seed standards, etc.('45:c.90,A-30)
standard time('47:c.161,A-1)
stevedoring industry labor dispute law.....(Sp.'49:c.62,A-15)
subdivisions in Honolulu.....('49:c.222,B-204)
territorial parks division, penalty.....('49:c.185,A-32)
vital statistics, relating to.....('49:c.327,A-92)
voters, ill or confined home.....('47:c.242,A-10)
voting machine board.....('49:c.318,A-7)
Wahiala Water Co.('47:c.237,E-193)
weed control substances, sale and use of.....('49:c.357,A-45)

CUMULATIVE INDEX

	PAGE
RURAL HOUSING	
Hawaii housing authority.....('45:c.200,A-58)	
SABOTAGE	
civil defense law.....('51:c.268,E-253)	606-636
See Civil Defense	
law continued in force.....('49:c.215,D-270)	
SAFE-DEPOSIT BOXES	
death of holder, bank's duties.....('45:c.262,A-107)	
SAINT FRANCIS HOSPITAL	
appropriation, see biennial acts	
SALARIES AND EXPENSES	
bonus for territorial employees.....('51:c.322,F-278)	676, 677
county officers.....('51:c.221,B-137)	343, 344
deductions from government payroll for	
dues and insurance premium.....('49:c.275,A-48)	
district magistrates, Hawaii county.....('51:c.282,D-225)	563
fire departments, counties.....('51:c.203,B-136)	342
Honolulu	
fire department.....('51:c.317,B-159)	408-410
officers, certain.....('51:c.243,B-157)	404
police department.....('51:c.261,B-158)	405-407
Honolulu appointive officers.....('49:c.143,B-199)	
judges of supreme, circuit courts.....('51:c.72,E-254)	637
police departments, counties.....('51:c.233,B-135)	339-342
teachers, district superintendents.....('49:c.339,A-51)	
withheld for refusal to testify, when.....('51:c.177,A-15)	71
SALARY STANDARDIZATION LAW.....('51:c.320,A-3)	28-47
adjustments, how made.....('51:c.320,A-3)	36, 37
affect of law on certain positions.....('51:c.320,A-3)	41
agreements between territory and counties...('51:c.320,A-3)	41
annual report.....('51:c.320,A-3)	40
appeals to personnel classification board.....('51:c.320,A-3)	40
appropriation.....('51:c.320,A-3)	47
basic compensation, provisions relating to...('51:c.320,A-3)	38, 39
basic compensation schedule.....('51:c.320,A-3)	35
classification law, effect of reference to.....('51:c.320,A-3)	41
definitions.....('51:c.320,A-3)	28, 29
determination of positions covered.....('51:c.320,A-3)	30, 31
director, powers of.....('51:c.320,A-3)	34, 35
discrimination prohibited.....('51:c.320,A-3)	40
effective date.....('51:c.320,A-3)	47
efficiency ratings.....('51:c.320,A-3)	39, 40
exemptions.....('51:c.320,A-3)	29, 30
general schedule.....('51:c.320,A-3)	35
Hawaii County	
application of law to.....('51:c.320,A-3)	45, 46
positions covered, exemptions.....('51:c.320,A-3)	45, 46
Honolulu	
application of law to.....('51:c.320,A-3)	41-43
positions covered, exemptions.....('51:c.320,A-3)	41-43
increases in compensation.....('51:c.320,A-3)	37, 38
Kauai County	
application of law to.....('51:c.320,A-3)	44, 45
positions covered, exemptions.....('51:c.320,A-3)	44, 45

CUMULATIVE INDEX

	PAGE
SALARY STANDARDIZATION LAW—continued	
Maui County	
application of law to.....('51:c.320,A-3)	43, 44
positions covered, exemptions.....('51:c.320,A-3)	43, 44
new appointments.....('51:c.320,A-3)	38
political subdivisions, services to.....('51:c.320,A-3)	41
positions covered.....('51:c.320,A-3)	29, 30
prohibitions.....('51:c.320,A-3)	34
purpose of law.....('51:c.320,A-3)	29
references to classification law, effect of.....('51:c.320,A-3)	41
regulations.....('51:c.320,A-3)	40
repeal of other laws.....('51:c.320,A-3)	46
requests for classification or reclassification..('51:c.319,A-2)	25
salary standardization board, appointment,	
membership.....('51:c.320,A-3)	31
additional authority of board.....('51:c.320,A-3)	33, 34
additional duties of.....('51:c.320,A-3)	46, 47
expenses, meetings and staff.....('51:c.320,A-3)	31, 32
forms, records, interviews.....('51:c.320,A-3)	34
hearings.....('51:c.320,A-3)	31
powers and duties of.....('51:c.320,A-3)	32-34
survey to be conducted.....('51:c.320,A-3)	32, 33
veterans preference, not affected.....('51:c.320,A-3)	40, 41
SALE OF SECURITIES	
amendments generally.....('49:c.210,C-242)	
See Securities, Sale of	
SALES	
agricultural commodities, rules.....('45:c.252,A-29,s.4)	
See Food Products, Mixed Feeds	
auctioneer's charges.....('51:c.186,C-163)	416, 417
economic poisons.....('45:c.60,A-24,ss.5,6)	
feed stuffs, registration required.....('47:c.84,A-36)	
fish from non-territorial waters.....('45:c.107,A-25)	
guardian's sale of real property.....('49:c.81,D-297)	
lien, laundering.....('45:c.188,C-151)	
motor vehicle, retail installment	
contracts.....('51:c.90,C-177)	434, 444, 445
packaged goods, short weight, penalty.....('51:c.266,C-181)	450, 451
seed standards.....('45:c.90,A-30)	
subdivisions in Honolulu, sales prohibited when..(Sp.'49:c.37,B-29)	
subdivisions in Honolulu, sales prohibited when..('49:c.222,B-204)	
trust receipts, uniform law.....('51:c.43,C-217)	527-538
See Trust Receipts	
warehouseman's lien, satisfaction by.....('51:c.39,C-218)	546, 547
warranty, economic poisons.....('45:c.60,A-24,s.7)	
See Taxation, Compensating Tax	
SALES, CONDITIONAL	
liens.....('49:c.178,C-243)	
SALESMEN	
automobile dealers' and salesmen's licenses..('51:c.90,C-177)	433-446
See Automobile Dealers and Salesmen	
See Economic Poisons, Food Products, Peddlers	
SAMUEL MAHELONA—HOSPITAL	
appropriations, 1951-1953.....('51:c.318,F-274)	668
free tests and treatment for tuberculosis, when.....('49:c.90,A-70)	

CUMULATIVE INDEX

	PAGE
SANATORIUMS	
appropriations, see biennial acts	
building plans, approval of fire marshal.....('45:c.166,C-150)	
laundry, potentially infectious from, control of.....('49:c.22,A-68)	
SAVING AND LOAN	
investment	
Hawaii housing authority bonds.....('51:c.134,A-66)	186, 187
records, destruction of, regulation.....('51:c.103,A-128)	317, 318
stock, restrictions, § 8212.....('47:c.181,C-134)	
See Building and Loan, Loans	
SCHOOL BUSES	
operators of, regulation.....('51:c.254,C-173)	429
SCHOOLS	
See Education, Biennial Appropriations, Vocational Training	
adult education('45:c.108,A-23)	
attendance, enforcement('45:c.156,A-36)	
beauty culture, registration, certificate, fee.....('49:c.397,A-62)	
buildings, 1947('47:c.205,F-209)	
Hawaii county('47:c.111,A-81)	
buses, operators('45:c.110,C-142)	
Catholic, refund('45:c.285,F-258)	
dental hygiene in, § 1721.....('45:c.281,A-32)	
district superintendents, salaries.....('49:c.339,A-51)	
English standard('45:c.126,A-24)	
fees, § 1824('45:c.126,A-24)	
foreign language schools.....('49:c.72,A-55)	
Honolulu, bond issue for.....('51:c.238,E-265)	651-653
industrial, pupils' accounts inactive.....('45:c.65,A-59)	
Iolani, tax exemption.....('45:c.224,A-95)	
Kamehameha III, Lahaina.....('45:c.245,F-267)	
kindergartens, establishment and maintenance of('49:c.48,A-52)	
Maui county, bond issue for.....('51:c.59,D-267)	654
plans, approval of fire marshal.....('45:c.166,C-150)	
private, revocation, suspension.....('45:c.227,A-35)	
Punahou, tax exemption.....('45:c.221,A-96)	
religious education in.....('45:c.21,A-27)	
special facilities for exceptional children.....('49:c.29,A-54)	
standard sections, elementary schools.....('45:c.126,A-24)	
Waialeale, new site.....('45:c.170,F-251)	
university projects('47:c.141,A-43)	
SEAL	
archives('45:c.238,A-3)	
SEARCH WARRANTS	
subversive activities commission, power to procure..(Sp.49:J.R.5)	
SEASONAL PURSUIT	
definition of('45:c.179,A-70)	
SECRET ASSOCIATIONS	
law repealed('49:c.310,D-271)	
SECRETARY OF HAWAII	
appropriations, 1951-1953.....('51:c.318,F-274)	670
compensation of('45:J.R.10)	
constitution, submission of to people for ratification(Sp.50:J.R.1)	6-8
constitutional convention('49:c.334,E-313)	
presides at first meeting.....('49:c.334,E-313)	
election expenses('45:c.81,A-6,s.2)	
election inspectors('47:c.156,A-6)	

CUMULATIVE INDEX

	PAGE
SECRETARY OF HAWAII—continued	
election statements	('47:c.159,A-8)
government employees' associations, duties relating to designation of.....	(Sp.'49:c.5,A-2)
government employees organizations, duties regarding	('51:c.319,A-2) 23, 24
Hawaiian birth certificates.....	('51:c.132,E-247) 596
inventories to auditor, § 1651.....	('45:c.151,A-81)
motor vehicle license plates, purchase of....	('51:c.162,A-126) 313
motor vehicle number plates.....	('47:c.33,A-91)
political parties, list of officers to be furnished	('51:c.310,A-7) 51
salary, petition to Congress.....	('47:J.R.8)
salary addition	('45:c.261,E-216)
session laws 1945	('45:c.51,F-252)
session laws, classifying, publication of.....	('51:c.301,A-1) 1, 2
session laws, style of, etc.....	('45:J.R.4)
soil conservation districts.....	('47:c.191,A-37,ss.5,9)
voting machines	('49:c.318,A-7)
See Elections, subhead, Voting Machines	
SECURITIES, SALE OF	
advertising, restrictions on.....	('49:c.210,C-242)
exempt securities	('49:c.210,C-242)
exempt transactions	('49:c.210,C-242)
registration:	
of securities, generally by notification.....	('49:c.210,C-242)
of securities, generally by qualification.....	('49:c.210,C-242)
penalties	('49:c.210,C-242)
SEEDS	
agricultural seeds	('45:c.90,A-30)
fees, disposition, § 1354.09.....	('45:c.90,A-30)
importers' license, § 1354.08.....	('45:c.90,A-30)
inspectors, § 1354.06	('45:c.90,A-30)
labels, contents	('45:c.90,A-30)
laboratory procedure	('45:c.90,A-30)
penalties, § 1354.10	('45:c.90,A-30)
removal from sale, § 1354.05.....	('45:c.90,A-30)
rules, standards, etc., § 1354.02.....	('45:c.90,A-30)
sales regulations, § 1354.03.....	('45:c.90,A-30)
samples, § 1354.06	('45:c.90,A-30)
soil conservation districts.....	('47:c.191,A-37)
SENATE	
hearings and procedure.....	(Sp.'49:c.40,A-7)
See Legislature, subhead, hearings and procedure	
SEPARATE MAINTENANCE	
support, enforcement of, uniform law.....	('51:c.216,D-238) 582-586
See Desertion and Non-Support	
SERGEANT-AT-ARMS	
legislative hearings, duties and powers, badge....	(Sp.'49:c.40,A-7)
SEROLOGIC TESTS	
for syphilis, reports.....	('45:c.105,A-47)
pre-marital examination	('45:c.136,D-197)
SERVICE OF PROCESS	
legislative hearings	(Sp.'49:c.40,A-7)
See Summons and Process	
SERVICEMEN'S READJUSTMENT ACT	
loans and mortgages insured under.....	(Sp.'49:c.17,C-33)
loans guaranteed by federal act.....	('45:c.223,C-147)

CUMULATIVE INDEX

	PAGE
SERVICEMEN'S READJUSTMENT ACT—continued	
re-employment time limit.....('47:c.118,A-17)	
See also	('45:c.263,A-4)
See also	('45:c.184,A-14)
veterans' preference	('47:c.119,A-8)
SERVING OFFICERS	
fees and costs, schedule of.....('49:c.387,D-252)	
SESSION LAWS	
publication and promulgation.....('51:c.301,A-1)	1, 2
SET-BACK LINES	
tax exemptions due to.....('45:c.88,A-97)	
SEWERAGE SYSTEMS	
Hawaii county, improvement by assessment.....('49:c.356,B-187)	
Hawaiian Homes	('47:c.215,F-216)
Honolulu, assessing cost.....('47:c.44,B-126)	
Honolulu, bond issue for.....('49:c.270,B-319)	
Honolulu, bonds for.....('47:c.68,F-213)	
also	('47:c.69,F-214)
also	('47:J.R.19)
Honolulu, reimbursement	('47:c.223,F-230)
Honolulu sewerage systems, charges, liens.....('49:c.41,B-195)	
Maui: Lahaina, etc.	('47:c.205,F-209)
Maui county, improvement by assessment.....('49:c.271,B-193)	
SEX OFFENSES	
See Crimes and Offenses, subhead, Sex Offenses	
SHELL FISH	
from non-territorial waters.....('45:c.107,A-25)	
scientific purpose	('45:c.14,A-21)
SHERIFF	
See Police	
deficiency appropriation	('45:c.20,F-231)
execution, bond for expenses.....('45:c.132,D-173)	
fees, accounting for.....('45:c.57,D-159)	
fees and costs, schedule of.....('49:c.387,D-252)	
Honolulu	
deputies, number of.....('51:c.266,C-181)	452
Honolulu, service of process.....('47:c.139,B-129)	
investigators, attorney general's office.....('51:c.163,A-40)	132
jailors, appointment and duties.....(Sp.'49:c.44,A-14)	
legislative hearings, service of process.....(Sp.'49:c.40,A-7)	
motor vehicles, government owned, duties	
regarding	('49:c.389,A-14)
unclaimed property, retained as evidence when....('49:c.319,B-165)	
SHINGLE MEMORIAL HOSPITAL	
appropriation, see biennial acts	
SHIPS AND SHIPPING	
governor's powers in case of emergency.....(Sp.'49:c.21,A-5)	
private use of shores or shore waters,	
limitations on	('49:c.119,A-145)
stevedoring industry disputes.....('51:c.209,A-78)	205-213
See Labor Disputes, Stevedoring Industry	
SHORES, SHORE WATERS	
private use of, limitations on.....('49:c.119,A-145)	
SHORTHAND REPORTERS	
salary and perquisites of.....('49:c.361,D-251)	

CUMULATIVE INDEX

	PAGE
SHOTGUNS	
transfer of, report, penalty.....('51:c.304,C-168)	420, 421
SHOWS, PUBLIC	
See Amusements, Games, Theaters	
SICKNESS, ACCIDENT INSURANCE	
definitions, standard provisions.....('51:c.241,C-206)	488-503
SIDEWALKS	
Hilo, Honolulu, Wahiawa, § 6130.....('45:c.68,B-121)	
owners to clean, Honolulu, Wahiawa, § 6135.....('45:c.68,B-121)	
§ 6133, driving on, repealed.....('47:c.7,B-102)	
SIGHT CONSERVATION	
See Blind	('45:c.113,A-81)
blind, university tuition.....	('47:c.62,A-41)
blind defined, etc.	('47:c.108,A-71)
bureau, deficiency appropriation.....	('45:c.20,F-231)
SIGNATURES	
death of missing person.....	('45:c.148,D-171)
outside U.S.	('47:c.86,D-188)
territorial officers	('45:c.84,D-207)
SIGNS AND MARKERS	
on federal-aid highways.....	('45:c.172,A-86)
SINKING FUND	
amending § 5923	('47:c.107,A-68,s.7)
bond adjustments	('45:c.3,E-220)
reimbursement of general fund.....	('51:c.189,E-272)
transfer of securities.....	('45:c.42,A-117)
use of, § 5923.....	('47:c.343,A-96)
also see	('47:c.107,A-68)
	660, 661
SLANDER	
radio stations not liable for political candidates' statements	('49:c.278,D-265)
SLUM CLEARANCE	
urban redevelopment act.....	('49:c.379,B-175)
See Urban Redevelopment Act	
SMALL CLAIMS	
procedure, amount	('49:c.259,D-254)
SMALL ESTATES	
See Probate, Guardianship	
administration by clerks of court.....	('49:c.395,D-280)
clerk to administer.....	('45:c.206,D-189)
non-resident, army, navy.....	('45:c.258,D-190)
temporary resident	('45:c.199,D-191)
SMALL LOAN COMPANIES	
bank examiner's fees for examination.....	(Sp,'49:c.14,A-22)
SMALLPOX	
immunization, etc.	('47:c.165,A-51)
vaccination against	('45:c.171,A-49)
SMOKESTACKS	
regulation of	('45:c.56,B-124)

CUMULATIVE INDEX

	PAGE
SOIL CONSERVATION DISTRICTS	
creation, administration	('47:c.191,A-37)
notice of proceedings.....	('47:c.191,A-37,s.3)
SOLICITING	
offense defined, penalty.....	('49:c.26,D-272)
penalty	('51:c.188,D-233) 575
SOLICITORS FOR ORDERS	
bond, amount	('51:c.147,C-165) 418
economic poisons	('45:c.60,A-24)
See Compensating Tax, Peddlers, Vendors	
licenses, fees	('51:c.147,C-165) 418
SPECIAL PROCEEDINGS	
eminent domain, public property.....	('49:c.377,A-9)
immediate possession of personal property.....	(Sp.'49:c.7,D-41)
bond	
by defendant or other claimant.....	(Sp.'49:c.7,D-41)
plaintiff's, amount, sureties.....	(Sp.'49:c.7,D-41)
contempt, punishment for.....	(Sp.'49:c.7,D-41)
courts, powers of.....	(Sp.'49:c.7,D-41)
defendant, other persons, examination of.....	(Sp.'49:c.7,D-41)
judgment, award of damages.....	(Sp.'49:c.7,D-41)
order of possession, execution.....	(Sp.'49:c.7,D-41)
order of seizure, service.....	(Sp.'49:c.7,D-41)
other remedies not affected.....	(Sp.'49:c.7,D-41)
parties, additional, intervention.....	(Sp.'49:c.7,D-41)
petition, form, contents.....	(Sp.'49:c.7,D-41)
plaintiff's option, possession or damages.....	(Sp.'49:c.7,D-41)
procedure, bond, hearing, service on defendant..	(Sp.'49:c.7,D-41)
return of officer.....	(Sp.'49:c.7,D-41)
seizure of property.....	(Sp.'49:c.7,D-41)
service of petition, bond and order.....	(Sp.'49:c.7,D-41)
Sunday, service of process and orders on.....	(Sp.'49:c.7,D-41)
SPECIFIC TAXES	
road fund, §§ 5718, 6007.....	('45:c.83,A-111)
SPITTING	
prohibited, where	('45:c.66,A-48)
SPORT FISHING	
licenses for, provisions generally.....	('49:c.348,A-36)
SPORTS	
scalpers	('45:c.39,D-163)
bribery of participants.....	('47:c.186,D-167)
STANDARD SCHOOLS	
changes	('45:c.126,A-34)
STANDARD TIME.....	
	('47:c.161,A-1)
STATEHOOD COMMISSION	
appointment, tenure, meetings.....	('51:c.160,E-255) 638
appropriation for, and 1950 amendments.....	(Sp.'50:c.4) 2, 3
appropriation for, and 1949 amendments.....	('49:c.365,E-814)
constitution, submission to people for	
ratification	(Sp.'50:J.R.1) 6-8
constitutional convention, provisions for.....	('49:c.324,E-813)
See Constitutional Convention	
STATISTICS, PUBLIC HEALTH	
provisions generally	('49:c.327,A-82)
See Vital Statistics	

CUMULATIVE INDEX

	PAGE
STATUTE OF LIMITATIONS	
See Limitations of Actions	
STATUTES	
construction of ('45:c.233,A-2)	
effect of enacting R. L. 1945..... ('45:c.1,A-1)	
promulgation and publication of laws..... ('51:c.301,A-1)	1, 2
time, standard ('47:c.161,A-1)	
STEVEDORING	
labor disputes ('51:c.209,A-78)	205-213
See Labor Disputes, Stevedoring Industry	
STILLBIRTHS	
registration of ('49:c.327,A-92)	
STOCKHOLDERS	
alien property custodian as..... ('45:c.143,C-144)	
meetings, voting ('45:c.228,C-146)	
See Corporations, Trust Companies	
transfer of stock act..... ('47:c.124,C-136)	
trustee voting ('47:c.105,C-139)	
STOLEN GOODS	
sale or other disposition of..... ('49:c.319,B-165)	
STORES	
plans, approval of fire marshal..... ('45:c.166,C-150)	
STORM DAMAGE	
See Flood Control	
STORM DRAINAGE SYSTEMS	
Honolulu, Improvement by assessment..... ('49:c.267,B-205)	
STREET CARS	
See Common Carriers, Franchise, Spitting	
STREET LIGHTING SYSTEMS	
Hawaii county, improvement by assessment..... ('49:c.356,B-187)	
Honolulu, Improvement by assessment..... ('49:c.267,B-205)	
Maui county, improvement by assessment..... ('49:c.271,B-193)	
STREETS	
See Highways	
STRIKES AND LOCKOUTS	
against government, prohibited..... (Sp.'49:c.42,A-9)	
government employees ('47:c.119,A-3)	
governor's powers in case of emergency..... (Sp.'49:c.21,A-5)	
notice of, affect farm products..... ('45:c.250,A-68,s.12)	
(See s. 9 (2) of the act)	
public utilities ('47:c.58,A-62)	
public utilities, settlement of labor disputes..... ('49:c.146,A-109)	
See Labor Disputes, Public Utilities	
stevedoring industry disputes..... ('51:c.209,A-78)	205-213
See Labor Disputes, Stevedoring Industry	
SUBDIVISIONS	
counties to maintain, repair improvements in..... ('49:c.74,B-171)	
Honolulu, regulations generally..... ('49:c.222,B-204)	
approval of planning commission required..... ('49:c.222,B-204)	
definition of subdivision..... ('49:c.222,B-204)	
injunction to enforce regulations..... ('49:c.222,B-204)	

CUMULATIVE INDEX

PAGE

SUBDIVISIONS—continued

Honolulu, regulations generally—continued

maps, approval or disapproval, appeal to supervisors	('49:c.222,B-204)	
penalties, remedies	('49:c.222,B-204)	
permits not to be issued in unapproved subdivisions	('49:c.222,B-204)	
regulations controlling	(Sp.'49:c.37,B-29)	
rules and regulations governing subdivisions	('49:c.222,B-204)	
sales prohibited until final approval	('49:c.222,B-204)	
streets not to be accepted in unapproved subdivisions	('49:c.222,B-204)	
Kauai county, regulations governing	('51:c.271,B-147)	357-362
registration of plans and surveys	('51:c.200,D-242)	592, 593
streets, roads, etc., in, duty of counties to accept	('49:c.74,B-171)	

SUBPOENA

boards and commissions, power to issue	('49:c.329,A-17)
fees and costs, schedule	('49:c.387,D-252)
governor's emergency representatives, power to issue	(Sp.'49:c.21,A-5)
legislative hearings, power to issue	(Sp.'49:c.40,A-7)
subversive activities commission, power to issue, form	(Sp.'49:J.R.5)

SUBVERSIVE ACTIVITIES COMMISSION

appropriation	('51:c.130,E-256)	642
chairman, appointment, powers and duties	(Sp.'49:J.R.5)	
commission		
appointment, qualifications, term of office	(Sp.'49:J.R.5)	
investigations to be made by	('51:c.130,E-256)	639-642
investigations to be made by	(Sp.'49:J.R.5)	
powers and duties	('51:c.130,E-256)	640, 641
powers and duties	(Sp.'49:J.R.5)	
reports to be made	(Sp.'49:J.R.5)	
rules of procedure	(Sp.'49:J.R.5)	
vacancies, how filled	(Sp.'49:J.R.5)	
contempt proceedings, permitted when	(Sp.'49:J.R.5)	
employees and assistants	(Sp.'49:J.R.5)	
government employees to assist commission	(Sp.'49:J.R.5)	
loyalty board	('51:c.256,A-20)	85-97
See Loyalty Board		
oaths, false swearing as perjury	(Sp.'49:J.R.5)	
perjury, false testimony punishable as	(Sp.'49:J.R.5)	
records to be confidential	('51:c.130,E-256)	639, 640
reports to be made	('51:c.130,E-256)	639, 640
rules of procedure	(Sp.'49:J.R.5)	
salaries and expenses, payment of	(Sp.'49:J.R.5)	
salaries and expenses of commissioners and employees	('51:c.130,E-256)	641
saving clause	('51:c.130,E-256)	642
saving clause	(Sp.'49:J.R.5)	
subpoena, power to issue, form, service	(Sp.'49:J.R.5)	
witnesses		
duties and privileges	(Sp.'49:J.R.5)	
fees and expenses	('51:c.130,E-256)	641
fees and expenses	(Sp.'49:J.R.5)	
subpoena of, production of records, etc.	(Sp.'49:J.R.5)	

SUMMARY POSSESSION

See Landlord and Tenant

appeals, frivolous	('45:c.192,D-176)
commercial rent control	('45:c.69,E-215)
eviction of tenant committing nuisance	('49:c.40,D-263)
joinder of causes of action	('45:c.216,D-175)
landlord and tenant, notice to vacate	('49:c.39,D-256)
rent control provisions apply	('45:c.69,E-215,s.11)
rent paid during litigation	('45:c.261,D-174)

CUMULATIVE INDEX

	PAGE
SUMMONS AND PROCESS	
associations, suits by and against,	
service of process.....(Sp.'49:c.4,D-38)	
fees and costs, schedule of.....('49:c.387,D-252)	
Hawaii county water board, service on.....('49:c.86,B-185)	
juvenile court proceedings.....('49:c.230,D-290)	
Maul waterworks board, actions against.....('49:c.289,B-194)	
non-resident associations, service on.....(Sp.'49:c.4,D-38)	
order of possession, eminent domain	
proceedings('51:c.12,A-8)	58
service	
claim and demand proceedings.....(Sp.'49:c.6,D-40)	
subpoenas issued by subversive activities	
commission(Sp.'49:J.R.5)	
special proceedings for immediate possession	
of personal property.....(Sp.'49:c.7,D-41)	
SUNDAY	
claim and demand proceedings, service on.....(Sp.'49:c.6,D-40)	
law relating to labor, etc., on, repealed.....('49:c.95,D-269)	
special proceedings for possession of personal	
property, service of process on.....(Sp.'49:c.7,D-41)	
SUPPLEMENT, S.L. 1947	
retirement, §§ 701-710, rewritten.....	
tax statutes rewritten.....	
SUPPORT, ENFORCEMENT OF	
uniform reciprocal law.....('51:c.216,D-233)	582-586
SUPREME COURT	
appropriations, 1951-1953.....('51:c.318,F-274)	669
rules and regulations	
motor vehicle registration appeals.....('51:c.237,C-176)	432
salaries('51:c.72,E-254)	637
See Courts, Judges, Chief Justice	
SURETIES	
claim and demand proceedings.....(Sp.'49:c.6,D-40)	
SURGEONS	
See Medicine and Surgery, Physicians and Health	
SURPLUS PROPERTY	
provisions for purchase of by Territory.....('51:c.289,A-14)	68, 69
purchase of('45:c.207,F-248)	
revolving fund abolished.....('51:c.211,F-303)	699
unfair practices('45:c.214,C-152)	
SURVEYOR, TERRITORIAL	
appropriations, 1951-1953.....('51:c.318,F-274)	671
costs, fees and charges.....('51:c.283,A-91)	239, 240
counties, duties of relating to maps, etc.....('51:c.283,A-91)	239
inventories to auditor, § 1651.....('45:c.151,A-31)	
land court maps, duty to check.....('49:c.394,D-298)	
powers and duties.....('51:c.283,A-91)	239
private employees, assistance by.....('51:c.283,A-91)	240
standards prescribed by.....('51:c.283,A-91)	240
survey of public lands, appropriation for....('51:c.260,F-287)	684
SURVEYORS	
application for registration, certificates,	
fes, renewal('49:c.306,C-226)	
subdivisions, Honolulu, regulations governing....('49:c.222,B-204)	

CUMULATIVE INDEX

	PAGE
SYPHILIS	
premarital examination	('45:c.136,D-197)
reports	('45:c.108,A-47)
TARGET SHOOTING	
firearms, carrying and using.....	('51:c.304,C-168) 421
TATTOO ARTISTS	
health regulations	('45:c.140,A-48)
regulation of by board of health.....	('49:c.19,A-60)
TAX CLEARANCE	
required before issuance of certain licenses.....	('49:c.352,A-150)
TAX LIENS	
affecting motor vehicles, registration of.....	('49:c.164,C-216)
TAXATION	
See 1947 Supplement, following J.R., for rewritten sections as amended	
administration:	
agricultural cooperative associations.....	('49:c.234,C-220)
air cargo transportation, exemption.....	('49:J.R.25)
appeal costs, §§ 5217, 5218.....	('45:c.92,A-99,ss.1,2)
assessment, time of, § 5140.....	('45:c.79,A-91,s.8)
assessors, appointment, etc., § 5104.....	('45:c.79,A-91,s.1)
assessors' duties, inventories, § 1657.....	('45:c.151,A-81,s.4)
assistant commissioner	('45:c.79,A-91)
blind, exemptions	('47:c.218,A-86)
boards of review.....	('51:c.133,A-108) 265, 266
bonds of officials.....	('51:c.133,A-108) 262
buildings, valuation, § 5146.....	('45:c.79,A-91,s.9)
business property lien, § 5474.....	('45:c.220,A-98)
clearance, tax, as prerequisite to licenses.....	('49:c.352,A-150)
collections:	
enforcement by assumpsit, etc.	('49:c.311,A-148)
extra-Territorial enforcement of tax laws.....	('49:c.311,A-148)
non-residents, actions against.....	('49:c.311,A-148)
partial payments, how credited.....	('49:c.312,A-149)
commissioner's powers, subordinates.....	('45:c.79,A-91)
common trust fund.....	('47:c.130,C-150)
compensating tax	('47:c.113,A-85,s.11)
compromise, costs, § 5218.....	('45:c.92,A-99,s.2)
compromises, § 5104 (14).....	('45:c.79,A-91,s.3)
co-owner's rights, lien, § 5167.....	('45:c.220,A-98,s.1)
county budget	('47:c.111,A-81)
county highways	('47:c.36,A-82)
county's share of proceeds.....	('47:c.111,A-81,s.8)
definitions, assessor, property, § 5101.....	('45:c.79,A-91,s.1)
delinquencies, hearings	('45:c.196,A-92,s.2)
delinquent taxes, records of.....	('51:c.133,A-108) 262
exemption:	
cement industry	('45:c.243,A-93)
homes	('51:c.133,A-108) 263, 264
public off-street parking.....	('45:c.225,B-134)
See subhead: "Real Property Tax," below	
public property	('51:c.151,A-109) 267, 268
public utility companies' real property, claim for	('49:c.218,A-151)
real property tax.....	('49:c.385,A-153)
university project	('47:c.141,A-42)
veterans, totally disabled.....	('49:c.189,A-152)
extra-Territorial enforcement of tax laws.....	('49:c.311,A-148)
federal tax lien registration.....	('49:c.216,D-303)
flood loss, Hawaii, relief.....	('49:c.245,F-400)
flood loss, Kauai, relief.....	('49:cc.126,181,F-397,398)
flood losses, remission of taxes.....	('51:c.311,F-300) 695-697
general excise payments.....	('47:c.111,A-81,s.11)
hearings, subpoenas, § 5110.01.....	('45:c.196,A-92)

CUMULATIVE INDEX

TAXATION—continued

PAGE

administration:—continued

insurance § 8487	('45:c.240,C-149)	
inventories of government property to be filed with auditor	('45:c.151,A-31)	
liens	('51:c.133,A-108)	265
liens, § 5167	('45:c.220,A-98,s.1)	
liens on land for unpaid taxes	('51:c.161,A-122)	298, 299
litigated claims fund	('51:c.224,A-41)	133-135
maps bureau, § 5145	('47:c.8,A-79)	
motor vehicles, purchased outside Territory	('51:c.168,C-172)	428, 429
motor vehicles, tax lien and encumbrance record in county treasurer's office	('49:c.164,C-216)	
motor vehicles, taxation, regulation	('45:J.R.9)	
partial payment of taxes, how credited	('49:c.312,A-149)	
payment to territory under protest	('51:c.224,A-41)	133, 134
penalties	('47:c.111,A-81,s.15)	
penalties and interest, remission of	('51:c.133,A-108)	261, 262
personal property tax rep.	('47:c.111,A-81)	
poll tax, cancellation of	('49:J.R.21)	
rate form, Hawaii, Kauai	('47:c.111,A-81)	
real property taxes, payments to counties	(Sp.'49:c.49,A-21)	
records, examination of, § 5104 (9)	('45:c.196,A-92)	
records of assessed valuations	('51:c.164,A-110)	270, 271
refund claims	('45:c.246,F-256)	
refunds, limitations	('49:c.205,A-147)	
remission of taxes, flood losses	('51:c.311,F-300)	695-697
remission of taxes, Kotohira Jinsha	('51:c.312,F-296)	692
remission of taxes on acquisition by government	('51:c.151,A-109)	268-270
returns, destroying, § 5465	('45:c.253,A-104,s.8)	
revenue bond, projects, exempt	('47:c.74,A-97)	
rulings, non-retroactive § 5104 (15)	('45:c.79,A-91)	
rural housing, § 3536	('45:c.200,A-58)	
special funds	('47:c.196,A-83)	
supplement guide to 1947 amendments tax clearances required before issuance of certain licenses	('49:c.352,A-150)	
tax liens, land court, § 12641	('45:c.265,D-205,s.1)	
taxes paid pending appeal	('51:c.224,A-41)	134, 135
temporary exemptions	('51:c.284,F-320)	710, 711
tidal wave damage	('47:c.182,A-88)	
also	('47:c.185,A-89)	
also	('47:J.R.14)	
valuation, every year, § 5140	('45:c.79,A-91,s.8)	
air cargo transportation, tax and fee exemption	('51:J.R.13)	733, 734
amendments, 1947 guide supplement		
Appeal:		
assessment corrected, § 5381	('45:c.92,A-99,s.3)	
consumption tax, § 5381	('45:c.92,A-99,s.3)	
costs, etc., § 5217	('45:c.92,A-99,s.1)	
costs, taxation of, § 5218	('45:c.92,A-99,s.2)	
general excise, § 5473	('45:c.92,A-99,s.4)	
income tax, § 5535	('45:c.92,A-99,s.5)	
liquor tax, § 5613	('45:c.92,A-99,s.6)	
taxes paid pending appeal	('51:c.224,A-41)	134, 135
tobacco tax, § 5750	('45:c.92,A-99,s.7)	
appropriation for overpayment of taxes	('51:c.300,F-293)	687-690
appropriations, 1951-1953	('51:c.318,F-274)	671
assessments, to whom	('51:c.151,A-109)	267
Bank Excise:		
rate; appeal	('47:c.114,A-84)	
rate, limit on amount	('51:c.258,A-115)	275, 276
Compensating Tax:	('47:c.113,A-85)	
appeals; correction	('47:c.113,A-85)	
audits; refunds, etc.	('47:c.113,A-85)	

CUMULATIVE INDEX

	PAGE
TAXATION—continued	
Compensating Tax:—continued	
collection from whom	('47:c.113,A-85)
county's share	('47:c.111,A-81,s.3)
definitions	('47:c.113,A-85)
distrain, etc.	('47:c.113,A-85)
imposition; exemptions	('47:c.113,A-85)
offenses; penalties	('47:c.113,A-85)
penalty	('47:c.113,A-85)
records	('47:c.113,A-85)
returns	('47:c.113,A-85)
Compensation—Dividends:	
blind exemption	('47:c.213,A-86)
disposition of proceeds	('49:c.350,A-138)
dividends, defined, § 5343	('45:c.121,A-101)
employer to withhold and pay tax.....	('51:c.116,A-116) 276, 277
exemptions:	
agricultural cooperative associations.....	('49:c.234,C-230)
compensation for military service.....	('51:c.116,A-116) 276
lien on land for unpaid taxes.....	('51:c.161,A-122) 299
proceeds, disposition of, § 5358.....	('45:c.208,A-102)
refunding, federal employees when.....	('45:c.208,A-102)
refunds	('49:c.205,A-147)
returns of earned income.....	('51:c.116,A-116) 277, 278
taxes withheld by employer held in trust..	('51:c.116,A-116) 277
Consumption Tax:	
assessment corrected, § 5381.....	('45:c.92,A-99,s.3)
county's share	('47:c.111,A-81,s.3)
definition, etc.	('47:c.113,A-85,s.2)
definitions	('51:c.225,A-117) 279, 280
exemptions:	
agricultural cooperative associations.....	('49:c.234,C-230)
lien on land for unpaid taxes.....	('51:c.161,A-122) 298, 299
motor vehicles purchased outside the	
Territory	('51:c.168,C-172) 428, 429
motor vehicles purchased outside the Territory..	('49:c.167,C-218)
penalty, § 5383	('45:c.255,A-104,s.1)
rate, § 5374	('47:c.111,A-81,s.8)
rate, § 5374	('45:c.100,A-103,s.1)
returns	('51:c.225,A-117) 280
seller to collect tax, penalty.....	('51:c.225,A-117) 281, 282
County Budgets:	
Hawaii bridges, § 5257.....	('45:c.31,A-100)
See also	('47:c.111,A-81,s.12)
Honolulu, Waikiki beach costs.....	('45:c.141,B-183)
Maui county	('51:c.250,A-113) 273, 274
sinking fund for territorial bond issues	
terminated	('45:c.8,E-220,s.2)
Employment Security (formerly unemployment compensation):	
See Employment Security	
Fuel Tax:	
definitions	('51:c.136,187,A-118,A-119) 283, 284
disposition, § 5260	('45:c.82,A-87)
distributors, license	('47:c.196,A-83,s.2)
distributor's records	('49:c.373,A-154)
distributor's records	('47:c.196,A-83,s.3)
exemptions	('51:c.136,A-118) 283, 284
Hawaii extra tax.....	('47:c.196,A-83)
highway fund, disposition of certain	
income	('51:c.251,A-114) 275
Honolulu, extra	('47:c.196,A-83,s.5)
Kauai, extra	('47:c.196,A-83,s.7)
Lanai road fund.....	('49:c.373,A-154)
Maul, extra	('47:c.196,A-83,s.6)
payment of tax.....	('51:c.187,302,A-119,A-120) 284-287
payment of tax, statements of distributors,	
penalties	('49:c.373,A-154)
payments; penalties	('47:c.196,A-83,s.4)
rate of tax for airplane use.....	('49:c.360,A-141)

CUMULATIVE INDEX

	PAGE
TAXATION—continued	
Fuel Tax:—continued	
sinking fund, no withholding from counties under § 5924	('45:c.8,F-220,s.2)
special funds in treasury, use of	('51:c.302,A-120) 287-292
special taxes for counties	('51:c.302,A-120) 286, 287
General Excise Tax:	
appeal; correction, § 5473	('45:c.92,A-99,s.4)
blind, exemption	('47:c.213,A-86)
business property lien, § 5474	('45:c.220,A-98,s.2)
cement, exemption	('45:c.243,A-93)
cemetery associations, exemption, § 5459	('45:c.158,A-105)
coin operated devices, allocation of proceeds	('49:c.252,A-155)
collection by suit	('51:c.165,A-121) 296
contractors	('47:c.111,A-81,s.9)
county's share	('47:c.111,A-81,s.3)
definitions	('51:c.165,A-121) 292
definitions	('47:c.113,A-85,s.6)
eleemosynary, exemptions, § 5459	('45:c.253,A-104)
entertainment business	('51:c.165,A-121) 295, 296
erroneous returns, exemptions disallowed, payment	4('45:c.253,A-104,s.9)
erroneous returns, rate, § 5467	('45:c.100,A-103,s.4)
§ 5467 am.	('47:c.111,A-81,s.9)
exemptions:	
agricultural cooperative associations	('49:c.234,C-230)
temporary	('51:c.284,F-320) 710, 711
exemptions, registration, § 5459	('45:c.253,A-104)
federal excise tax, § 5460	('47:c.213,A-86,p.123)
increase, decrease, § 5454, rep.	('45:c.100,A-103)
licenses, renewal	('51:c.165,A-121) 293
lien on land for unpaid taxes	('51:c.161,A-122) 298
liquor taxes, exemption from gross income	('49:c.343,A-157)
millers, sugar, canneries	('47:c.111,A-81,s.9)
motor vehicles purchased outside the Territory	('49:c.167,C-218)
other business	('47:c.111,A-81,s.9)
payment annual return, § 5464	('45:c.253,A-104,s.7)
payment to counties	('47:c.111,A-81,s.11)
penalty, delinquency, § 5463	('45:c.253,A-104,s.6)
penalty, recomputation	('45:c.253,A-104)
professions	('47:c.111,A-81,s.9)
pro-rating of receipts, special provisions relating to	('51:c.165,A-121) 294, 295
rates, § 5455	('47:c.111,A-81;c.113,A-85)
See also	('45:c.100,A-103;c.253,A-104)
records, examination, penalties, § 5472	('45:c.253,A-104)
returns, change, notice	('47:c.111,A-81,s.10)
returns, filing, inspection, § 5465	('45:c.253,A-104)
returns, quarterly, etc., allowed when	('51:c.165,A-121) 295
returns monthly, exceptions, § 5461	('45:c.253,A-104)
sales representatives	('47:c.113,A-85,s.7)
service business	('47:c.111,A-81,s.9)
tangible personal property	('47:c.111,A-81,s.9)
theatres, radio, etc.	('47:c.111,A-81,s.9)
tobacco, gross income, § 5460	('45:c.253,A-104)
§ 5460 am.	('47:c.213,A-86,p.223)
Income Tax:	
allocation of income to Territory	('51:c.166,A-123) 303-305
appeal, § 5535	('45:c.92,A-99,s.5)
blind, exemption	('47:c.213,A-86)
cemetery associations exempt	('45:c.124,A-106)
common trust fund	('47:c.130,C-150)
corporations, § 5502	('47:c.111,A-81,s.13)
corporations, tax on, exceptions	('51:c.166,A-123) 300, 301
deduction, tidal wave	('47:c.132,A-88)
deductions, § 5508	('47:c.150,A-87)
deductions, flood losses	('49:c.243,A-156)
definitions	('51:c.166,A-123) 299, 301
flood loss, Kauai, relief	('49:c.126,F-337)
gross income:	
deductions for flood losses, Naalehu, Hawaii	('49:c.243,A-156)

CUMULATIVE INDEX

	PAGE
TAXATION—continued	
Income Tax:—continued	
gross income:—continued	
deductions from	('51:c.166,A-123) 302, 303
exclusions from	('51:c.166,A-123) 301, 302
individual returns	('51:c.166,A-123) 305, 306
individuals, § 5503	('47:c.111,A-81,s.13)
joint return of husband and wife, rate.....	('49:c.243,A-156)
lien on land for unpaid taxes.....	('51:c.161,A-122) 299
payment of tax.....	('51:c.166,A-123) 305
rate in case of joint return.....	('49:c.243,A-156)
returns:	
joint, by husband and wife, rate.....	('49:c.243,A-156)
Inheritance Tax:	
appraiser, waiver of appointment of.....	('51:c.69,A-124) 307
appraiser's fees, §§ 5574, 9761.....	('45:c.37,A-108)
community property, see	('45:c.273,D-201)
contingent interests, effect of trust powers,	
§ 5556	('45:c.262,A-107)
duties of safe deposit companies, trust companies,	
banks, etc., § 5573	('45:c.262,A-107)
entirety, tenancy by, § 5553.....	('45:c.262,A-107)
estate tax; resident decedents; credits, § 5562..	('45:c.262,A-107)
exemption of \$5000 modified, § 5555.....	('45:c.262,A-107)
joint holdings, § 5553	('45:c.262,A-107)
non-resident decedents, § 5563	('45:c.262,A-107)
payment, penalty, § 5567	('45:c.262,A-107)
reciprocal provisions	('47:c.175,A-30)
reduction, interest, § 5568	('45:c.262,A-107)
Liquor Tax:	
appeals, § 5613	('45:c.92,A-99,s.6)
dealer, purchaser	('47:c.111,A-81,s.14)
definitions	('49:c.343,A-157)
determination of tax.....	('49:c.343,A-157)
exemptions, temporary	('51:c.284,F-320) 710, 711
payment by wholesaler	('47:c.148,C-130)
payment of tax, penalty for delinquency.....	('49:c.343,A-157)
penalties	('49:c.343,A-157)
permit to sell, issuance, suspension, revocation..	('49:c.343,A-157)
rate, § 5604	('47:c.111,A-81,s.14)
rate of tax, exemptions.....	('49:c.343,A-157)
records to be kept by dealers.....	('49:c.343,A-157)
return, form, contents	('49:c.343,A-157)
returns, § 5607	('47:c.111,A-81,s.14)
sales slips may show tax separately.....	('49:c.343,A-157)
saving clauses	('49:c.343,A-157)
Personal property tax rep.....	('47:c.111,A-81)
Public Utilities Tax:	
definitions, § 5672	('45:c.78,A-110)
exemption from real property tax, claim for....	('49:c.218,A-151)
Public Utility Franchise Tax:	
road fund, § 6007	('45:c.83,A-111)
Real Property Tax:	
assessment	
to owners or lessees of residential property..	(Sp.'49:c.64,A-18)
assessments, to whom.....	('51:c.151,A-109) 267
budgets of counties, effect of transactions	
with housing authority	('49:c.268,B-166)
disposition of proceeds.....	(Sp.'49:c.49,A-21)
exemptions:	
blind	('47:c.218,A-86,s.7)
cement	('45:c.243,A-93)
conditions precedent to certain exemptions..	(Sp.'49:c.64,A-18)
convalescent nursing home.....	(Sp.'49:c.59,A-20)
homes	(Sp.'49:c.64,A-18)
Iolani School	('45:c.224,A-95)
leaseholds for residential purposes.....	(Sp.'49:c.64,A-18)
Lutheran Church	('47:c.149,A-80)
property made useless by ordinance restrictions,	
set-back lines	('45:c.88,A-87)
public property	('51:c.151,A-109) 267, 268
public utility companies' real property,	
claim for	('49:c.218,A-151)
Punahou School	('45:c.231,A-96)

CUMULATIVE INDEX

	PAGE
TAXATION—continued	
Real Property Tax:—continued	
exemptions:—continued	
redevelopment agencies and corporations.....('49:c.379,B-175)	
schools, churches, hospitals, etc.....('49:c.385,A-153)	
specific property exempt.....('51:c.172,323,A-111,A-112)	271-273
specific property exempt.....(Sp.'49:c.50,A-19)	
veterans, totally disabled.....('49:c.189,A-152)	
veterans of foreign wars.....('45:c.234,A-84)	
flood loss, Hawaii, relief.....('49:c.245,F-400)	
flood loss, Kauai, relief.....('49:c.181,F-398)	
home exemption.....('51:c.133,A-108)	263, 264
Honolulu, Waikiki beach costs.....('45:c.141,B-133)	
ranch lands, returns of.....('51:c.133,A-108)	264, 265
rate, determination, § 5252.....('47:c.111,A-81,s.1)	
records of assessed valuations.....('51:c.164,A-110)	270, 271
redevelopment agencies, increase of rate for....('49:c.379,B-175)	
remission of taxes on acquisition by	
government.....('51:c.151,A-109)	268-270
sinking fund, no withholding from counties	
under § 5924.....('45:c.8,E-320,s.2)	
tidal wave damage.....('47:c.135,A-89)	
veterans, foreign wars, property.....('45:c.234,A-84)	
remission of taxes, Moiliili community association..(Sp.'49:J.R.6)	
Specific Taxes:	
motor vehicles, weight tax:	
definitions.....('51:c.222,A-125)	308
duplicate license plates, issued when....('51:c.162,A-126)	312, 313
exemptions.....('51:c.222,A-125)	310
fractions of years, refunds.....('51:c.222,A-125)	308-310
junked vehicles.....('51:c.222,A-125)	308-310
non-residents.....('51:c.222,A-125)	308-310
number plates.....('51:c.162,A-126)	311-313
pro-rating of tax, allowed when.....('51:c.222,A-125)	308-310
uniform number plates, purchase of.....('51:c.162,A-126)	313
vehicles purchased outside the Territory.....('49:c.167,C-218)	
road fund, §§ 5713, 6007.....('45:c.83,A-111)	
vehicle number plates.....('47:c.23,A-91)	
Tobacco Tax:	
appeals, § 5760.....('45:c.92,A-99,s.7)	
rate, etc., § 5753.....('45:c.115,A-112)	
rate of tax, exemptions.....('49:c.344,A-168)	
Weight Tax:	
road fund, §§ 5713, 6007, etc.....('45:c.83,A-111)	
TAXICAB	
defined, under public utility law.....(Sp.'49:c.65,A-17)	
defined, under public utility law.....('49:c.366,A-133)	
TEACHERS	
associations, election to determine	
official association.....(Sp.'49:c.5,A-2)	
leaves of absence, pay.....('51:c.5,4,A-43,A-44)	137, 138
See Education	
TENANTS-ENTIRETY	
See Community Property, Co-Tenant, Joint Tenant, Landlord and Tenant	
TENEMENTS	
See Fire Marshal	
plans, approval of fire marshal.....('45:c.166,C-150)	
TERRITORIAL GUARD	
armories, buildings and equipment.....('49:c.152,E-307)	
authority to organize, name.....('49:c.152,E-307)	
workmen's compensation benefits.....('51:c.48,A-89)	237

CUMULATIVE INDEX

	PAGE
TERRITORIAL HIGHWAY ENGINEER	
control, permits to disturb federal-aid highways... ('45:c.173,A-88)	
See Federal Aid, Highways, Public Works	
highways, post-war reconstruction, etc..... ('45:c.164,A-89)	
maintenance of highways ('45:c.82,A-87)	
See Highways, Federal Aid	
signs on roads ('45:c.172,A-86)	
subordinate's powers ('47:c.180,A-74)	
tax duty ('47:c.36,A-82)	
TERRITORIAL HOSPITAL	
appeals ('49:c.337,A-104)	
appropriations: see Biennial Acts, Loan Fund	
conveyance of persons to ('51:c.16,A-72)	194
conveyance of persons to ('49:c.337,A-104)	
conveying patients to, § 4019 ('45:c.222,A-63)	
county mental illness wards ('51:c.219,A-73)	195
county mental illness wards ('49:c.337,A-104)	
definitions ('49:c.337,A-104)	
drugs and liquor, person habituated to	
excessive use of ('49:c.337,A-104)	
epileptics to Waimano home ('45:c.165,A-64)	
establishment of ('49:c.337,A-104)	
fund for structures, etc. ('45:c.201,A-62)	
improvements, appropriation ('45:c.276,F-249)	
also ('47:c.205,F-205,p.483)	
mentally ill persons, temporary care of ('51:c.219,A-73)	195
temporary transfer of institutional inmates to ('49:c.50,A-105)	
terminology, "insane," to "mentally ill," "commitment"	
to "hospitalization," etc., changed ('49:c.337,A-104)	
transfer of patients to Waimano home ('49:c.391,A-106)	
veteran's guardianship ('47:c.202,D-186)	
water rights purchase ('47:c.48,E-196)	
TERRITORIAL PARKS	
provisions generally ('49:c.185,A-32)	
See Agriculture and Forestry, subhead,	
Territorial Parks Division	
TERRITORY	
building plans, approval by fire marshal ('45:c.166,C-150)	
civil defense law ('51:c.263,E-253)	606-636
See Civil Defense	
eminent domain, public property ('49:c.377,A-9)	
eminent domain proceedings ('51:c.12,A-8)	52-61
See Eminent Domain	
expenditure of public money ('51:c.227,78,A-9,A-10)	62-64
hours of labor on public works ('51:c.139,A-12)	65, 66
insurance of property, personnel, etc. ('51:c.264,A-129)	318-320
loyalty board ('51:c.256,A-20)	85-97
See Loyalty Board	
motor vehicles owned by, regulations, penalty ('49:c.389,A-14)	
oath required of government employees ('51:c.154,A-21)	97, 98
payment to under protest, recovery ('51:c.224,A-41)	133, 134
public employees to be citizens, exceptions... ('51:c.44,A-11)	65
reemployment upon termination of	
military service ('51:c.262,A-19)	77, 78
removal of employees for failure to testify... ('51:c.177,A-15)	70-72
sick leave allowance ('51:c.121,A-18)	76
strikes against government, prohibited (Sp.'49:c.42,A-9)	
support, enforcement of, reciprocal duties... ('51:c.216,D-238)	582-586
vacations of public employees ('51:c.326,A-17)	74, 75
THEATRES	
scalpers' sales of tickets ('45:c.39,D-183)	

CUMULATIVE INDEX

PAGE

THEFT

false pretenses, obtaining money, etc.,
by, punishable as larceny.....('49:c.78,D-264)

THREATS

of force or violence, unlawful when, penalty.....('49:c.73,D-267)

TICKETS

scalpers('45:c.39,D-183)
tax losses('47:c.132,A-88)
also('47:c.135,A-89)

TIDAL WAVE

disaster relief act.....('49:c.320,E-305)

TIME

standard('47:c.161,A-1)

TITLE

quieting titles, action at law for.....(Sp.'49:c.46,D-39)

TOBACCO

general excise exemption, § 5460.....('45:c.253,A-104)
tax, § 5753('45:c.115,A-112)
tax appeals, § 5760.....('45:c.92,A-99,s.7)
tax on, rate, exemptions.....('49:c.344,A-158)
See Taxation

TORTS

claims vs. pupils, industrial schools.....('45:c.137,A-60)
effect of enacting R. L. 1945.....('45:c.1,A-1)
property liable for.....('45:c.273,D-201,s.13)
See Accidents, Damages, Limitations

TRADE REGULATIONS

advertising, display of U.S. goods.....('45:c.214,C-152)
agricultural commodities('45:c.252,A-29)
animals, mixed feed.....('47:c.84,A-36)
fish dealers('45:c.24,A-28)
food, etc., on Honolulu streets.....('45:c.27,B-131)
food products, grades.....('47:c.195,A-35)
fraudulent representation of origin of goods.....('45:c.214,C-152)
insurance business('51:c.298,C-207)
seed standards('45:c.90,A-30)
trade names: "Army," "Navy," "Marine," "Coast Guard,"
"Government," etc., misuse of.....('45:c.214,C-152)
U.S. goods, misrepresentations.....('45:c.214,C-152)

503-513

TRADEMARKS

application; revocation('47:c.163,C-152)
economic poisons('45:c.60,A-24,s.7)
See Labels
food product standards.....('47:c.195,A-35)
unfair duplication('51:c.135,C-216)

526

TRAFFIC VIOLATIONS

See Crimes and Offenses

TRANSCRIPTS

fees allowed for.....('49:c.361,D-251)

TRANSLATIONS

Hawaiian records('45:c.54,D-209)

TRANSPORTATION

governor's powers in case of emergency.....(Sp.'49:c.21,A-5)

TRAPS

fishing, minimum size.....('49:c.211,A-37)

CUMULATIVE INDEX

TRAVEL EXPENSE

PAGE

territorial officials('49:c.222,A-11)

TREASURER

accounts, adjustment('45:c.44,F-253)
 agricultural cooperative associations.....('49:c.234,C-230)
 See Agricultural Cooperative Associations
 annual exhibits of cooperations.....('49:c.191,C-231)
 appropriations, 1951-1953.....('51:c.318,F-274) 671
 appropriations, lapse of.....('47:c.243,A-96)
 appropriations for county aid.....('45:c.277,F-242)
 audit legislature accounts.....('47:c.2,F-219)
 banks, national, territorial, merger.....('51:c.198,C-186) 461-466
 bond issue:
 See Bond Issues
 bond issues('47:c.218,A-95)
 cancellation, etc.('45:c.8,E-220)
 bonds, purchase, transfer, § 5927.....('45:c.42,A-117)
 bonds, warrants, destruction.....('47:c.147,A-39)
 budget, fuel tax, bonds.....('45:c.82,A-37)
 conditions on deposits, § 5851.....('45:c.119,A-115)
 corporate dissolution, § 8352.....('47:c.176,C-140)
 corporations, reinstatement after involuntary
 dissolution('51:c.119,C-200) 477
 counties, loans to, § 5812.....('45:c.133,A-114,s.1)
 county funds, mainland depositories.....('45:c.43,B-118)
 decedent's estate, examination, § 5573.....('45:c.362,A-107)
 dental health funds, custodian of.....('49:c.208,A-58)
 depository bank contracts, § 5854.....('45:c.119,A-115)
 dividends, unclaimed, escheat.....('47:c.127,D-162)
 duties, revenue bonds, §§ 5945-7.....('47:c.74,A-97)
 emergency funds, deposit and expenditure of.....(Sp.'49:c.21,A-5)
 escheat of funds distributed to
 unfound beneficiaries('49:c.395,D-280)
 escheat of small estates.....('49:c.395,D-280)
 escheat of unclaimed moneys in courts.....('49:c.396,D-255)
 excess liabilities of counties, repayment of.....('49:c.342,A-159)
 expenditures of public money.....('51:c.227,78,A-9,A-10) 62-64
 fees, bank examiner.....('49:c.172,A-160)
 fees from permits to disturb federal-aid roads.....('45:c.173,A-88,s.5)
 fiscal agents, mainland depositories, etc., § 5803.....('45:c.59,A-113)
 foreign corporations, agent, bond, etc.....('51:c.294,C-201) 477-490
 foreign corporations, annual exhibit.....('51:c.124,C-202) 481
 fuel tax special funds, use of.....('51:c.302,A-120) 287-292
 harbor funds('47:c.72,A-78,s.8)
 Hawaii county office buildings, sale of,
 disposition of proceeds.....('51:c.299,F-306) 701
 Hawaii housing authority, funds from sales
 of foreclosed personalty.....('49:c.220,A-96 and c.128,A-97)
 Hawaii housing funds.....('47:J.R.4)
 highway fund, advances.....('47:c.73,F-210)
 industrial school pupils' inactive accounts.....('45:c.65,A-59)
 insurance business, unfair practices,
 regulation('51:c.298,C-207) 503-513
 insurance fund, additional funds.....('45:c.89,A-116)
 insurance motor vehicles.....('47:c.245,A-94)
 inventories to auditor, § 1651.....('45:c.151,A-31)
 investments in loans secured under Bankhead-Jones
 Farm Tenant Act.....('49:c.340,C-233)
 litigated claims fund.....('51:c.224,A-41) 133, 134
 loan fund act of 1949.....('49:c.400,E-325)
 loan funds, lapsing.....('47:c.107,A-63)
 loans to counties and boards,
 authority to make.....('49:c.342,A-159)
 marketing, etc., control fund.....('45:c.252,A-29,s.10)
 marketing inspection and agricultural
 control fund('45:c.60,A-24,s.8)
 motor vehicle safety responsibility act.....('49:c.393,C-224)
 transfer of records, files, etc., to police chiefs....('49:c.393,C-224)
 non-resident associations, service of process on....(Sp.'49:c.4,D-38)
 partnership penalties, waiver of.....('49:c.34,C-238)

CUMULATIVE INDEX

	PAGE
TREASURER—continued	
payment to territory under protest.....('51:c.224,A-41)	133, 134
post-war highway fund.....('45:c.164,A-39)	
real estate license commission, special fund..('51:c.77,C-184)	458
redevelopment corporations, creation, limitations, restrictions, etc.('49:c.379,B-175)	
redevelopment fund.....('49:c.379,B-175)	
securities, sale of.....('49:c.210,C-242)	
See Securities, Sale of	
Shingle memorial hospital agreement.....(Sp.'49:J.R.2)	
short term investments, § 5802.01.....('47:c.244,A-82)	
sinking fund, amended, § 5923.....('47:c.107,A-68)	
sinking fund, use of.....('47:c.243,A-96)	
also see.....('47:c.107,A-68)	
special tax funds.....('47:c.196,A-83)	
stevedoring revolving fund.....('51:c.209,A-78)	210
surplus, federal property revolving fund, created.....('51:c.289,A-14)	69
surplus property purchase fund.....('45:c.207,F-248)	
surplus property revolving fund, abolished..('51:c.211,F-303)	699
tax duties.....('47:c.111,A-81,s.3)	
taxes paid pending appeal.....('51:c.224,A-41)	134, 135
temporary loans, transfers, § 5812.....('47:c.167,A-93)	
territorial hospital special fund.....('45:c.201,A-62)	
trade marks; revocation.....('47:c.163,C-152)	
university projects, s. 1991.11.....('47:c.141,A-42)	
vocational rehabilitation funds, custodian of.....('49:c.219,A-56)	
TRESPASS	
animals, continuing after notice.....('45:c.266,A-23)	
animals, pound fees.....('47:c.15,A-29)	
dwelling, near, vagrants.....('45:c.48,D-186)	
inspectors, re flour enrichment.....('45:c.101,A-45,s.5)	
not over government lands to public beaches when.....('45:c.76,D-185)	
veterinarian authorized to.....('45:c.104,A-22)	
TRUANCY	
prevention of.....('45:c.156,A-36)	
TRUST COMPANIES	
appraisals for loans, § 8661 (g).....('47:c.125,C-147)	
bond, general, repealed, § 8663.....('47:c.128,C-149)	
common trust fund.....('47:c.130,C-150)	
corporate by-laws.....('47:c.225,C-137)	
exemption from general excise tax, § 5459 (m)....('45:c.158,A-105)	
facsimile copies of records.....('45:c.17,D-168)	
fees, common trust fund.....('47:c.130,C-150)	
fees, special services, § 9757.....('47:c.100,D-158)	
fiduciary powers, restrictions.....('45:c.197,C-148)	
illegal acts, duty to report.....('51:c.99,A-127)	316
inheritance tax duties, § 5573.....('45:c.262,A-107)	
investments.....('51:c.149,286,C-208,C-209)	514-516
investments, § 8661.....('47:c.125,C-147)	
investments guaranteed by administrator of veterans affairs.....('45:c.223,C-147)	
investments in	
Hawaii housing authority bonds.....('51:c.134,A-66)	186, 187
investments in loans secured under Bankhead-Jones Farm Tenant Act.....('49:c.340,C-233)	
loans and mortgages insured under federal laws..(Sp.'49:c.17,C-33)	
loans and mortgages under National Housing Act..('49:c.118,C-232)	
nominees for stock.....('47:c.129,C-148)	
officers, etc., examination of when adverse party in civil action.....('45:c.183,D-167)	
participating notes, § 8662 (?).....('47:c.130,C-150)	
records, destruction of, regulation.....('51:c.103,A-128)	317, 318
stock transfer act.....('47:c.124,C-136)	
veteran's guardianship.....('47:c.202,D-186)	

CUMULATIVE INDEX

TRUST RECEIPTS

PAGE

attempted creation or continuance of pledge	
without delivery or retention of possession..('51:c.43,C-217)	530, 531
cases not provided for, rules of law and	
equity applicable	('51:c.43,C-217) 538
contract to give receipt.....	('51:c.43,C-217) 531
definitions	('51:c.43,C-217) 527-529
effective date	('51:c.43,C-217) 538
election among filing statutes.....	('51:c.43,C-217) 537, 538
entruster	
filing or taking possession, effect.....	('51:c.43,C-217) 532
rights on default, repossession.....	('51:c.43,C-217) 531, 532
exception as to certain transactions.....	('51:c.43,C-217) 537
liens in course of business good against	
entruster	('51:c.43,C-217) 535
limitations	
entruster's protection against purchasers....	('51:c.43,C-217) 533, 534
extent of obligation secured.....	('51:c.43,C-217) 537
proceeds, entruster's right to.....	('51:c.43,C-217) 535
repeal of inconsistent laws.....	('51:c.43,C-217) 538
sale by trustee, entruster not responsible....	('51:c.43,C-217) 535
saving clause	('51:c.43,C-217) 538
title of act.....	('51:c.43,C-217) 538
trust receipt defined.....	('51:c.43,C-217) 529, 530
trust receipt transactions	
covering documents or goods, filing	
and refiling	('51:c.43,C-217) 536, 537
defined	('51:c.43,C-217) 529, 530
uniformity of interpretation.....	('51:c.43,C-217) 538
validity	
against creditors	('51:c.43,C-217) 532, 533
as between parties.....	('51:c.43,C-217) 531
warehouse receipts, uniform law.....	('51:c.39,C-218) 539-554
See Warehouse Receipts	

TRUSTEES

See Fiduciaries

accounts, annual, exceptions, masters.....	('45:c.136,D-204)
masters	('45:c.95,A-10)
beneficiary unfound	('47:c.99,D-171)
checks, deposits	('45:c.197,C-143,ss.5-10)
escheat of funds distributed to	
unfounded beneficiaries	('49:c.395,D-280)
fees and expenses, allowance of.....	('51:c.170,D-223) 559-562
fiduciary powers, restrictions.....	('45:c.197,C-148)
investments in Hawaii housing authority	
bonds	('51:c.134,A-66) 186, 187
investments in loans secured under	
Bankhead-Jones Farm Tenant Act.....	('49:c.340,C-233)
powers, release of.....	('47:c.126,C-151)
trust receipts, uniform law.....	('51:c.43,C-217) 527-538
See Trust Receipts	
voting stock, donations; pensions.....	('47:c.105,C-139)

TUBERCULOSIS

annual examination	('47:c.79,A-50)
bovine	('45:c.104,A-22)
compulsory isolation, hospitalization of	
tubercular persons	('49:c.307,A-71)
examinations for, notice of.....	('49:c.60,A-69)
hospitals, county support terminated.....	('45:c.93,B-126)
laundry from institutions, control of.....	('49:c.22,A-68)
spitting prohibited where.....	('45:c.66,A-48)

CUMULATIVE INDEX

	PAGE
TUBERCULOSIS—continued	
test and treatment for tuberculosis, free, when, where.....('49:c.90,A-70)	
TUBERCULOSIS SANATORIUM	
compulsory hospitalization of tubercular persons...('49:c.307,A-71)	
TYPHOID	
vaccination compulsory('45:c.171,A-49)	
UN-AMERICAN ACTIVITIES	
commission on subversive activities.....(Sp.'49:J.R.5)	
See Subversive Activities Commission	
UNCLAIMED PROPERTY	
abandoned vehicles, disposition of.....('49:c.194,A-164)	
bail money or bond, disposition of.....('49:c.323,D-257)	
escheat of unclaimed moneys in courts.....('49:c.396,D-255)	
evidence in district courts, disposition of.....('49:c.182,D-259)	
sale or other disposition of.....('49:c.319,B-165)	
UNDERTAKERS—FUNERAL DIRECTORS	
burial, indigents('47:c.22,A-70)	
coroner's inquests('49:c.355,D-260)	
funeral escort to be furnished by police, free.....('49:c.193,B-163)	
UNEMPLOYMENT COMPENSATION	
See Employment Security, Labor	
UNFAIR PRACTICE	
advertising, display sale of U.S. goods.....('45:c.214,C-152)	
insurance business('51:c.298,C-207)	503-513
labor practices('45:c.250,A-68)	
See Employer and Employee, Labor	
UNIFORM ACTS	
commission to promote.....('49:c.326,A-2)	
evidence, photographic reproductions.....('51:c.104,D-229)	567, 568
fiduciary act('45:c.197,C-148)	
public health statistics.....('49:c.327,A-92)	
See Vital Statistics	
stock transfer act.....('47:c.124,C-136)	
support, enforcement of, reciprocal law.....('51:c.216,D-238)	582-586
See Desertion and Non-Support	
trust receipts('51:c.43,C-217)	427-538
See Trust Receipts	
veterans' guardianship act.....('47:c.202,D-186)	
warehouse receipts('51:c.39,C-218)	539-554
See Warehouse Receipts	
UNIFORM AGRICULTURAL COOPERATIVE ASSOCIATIONS ACT	
provisions generally('49:c.234,C-230)	
See Agricultural Cooperative Associations	
UNIFORMITY OF LEGISLATION	
commission to promote.....('49:c.326,A-2)	
UNIONS	
employment relations act.....('45:c.250,A-68)	
See "Labor"	
government employee joining, § 80.....('47:c.119,A-3)	
list registered('45:c.250,A-68,s.14)	
public utilities, settlement of labor disputes.....('49:c.146,A-109)	
See Labor Disputes, Public Utilities	
suits by and against, service of process.....(Sp.'49:c.4,D-38)	
judgments, enforcement of.....(Sp.'49:c.4,D-38)	
See Labor	

CUMULATIVE INDEX

UNITED STATES

registration of federal tax liens.....('49:c.216,D-303)
fees for filing.....('49:c.56,D-304)
unfair practice re goods of.....('45:c.214,C-152)
See "Federal Aid"

PAGE

UNIVERSITY OF HAWAII

agent to sign for regents.....('45:c.135,A-40)
appropriations, 1951-1953.....('51:c.313,F-274) 671
blind, exempt from fees.....('47:c.62,A-41)
bonus for certain personnel.....('51:c.322,F-278) 676
buildings, 1947 loan fund.....('47:c.205,F-209)
chemistry building, appropriation for.....('49:c.47,F-352)
delinquent child, examination.....('47:c.56,D-177)
dispute, eminent domain, settled.....('47:J.R.13)
experiment station at Kainaliu, appropriation for.....('49:c.101,F-353)
extension service at Kainaliu, appropriation.....(Sp.'49:c.39,F-57)
farm advisory board, representative on.....('49:c.235,A-31)
fish and wildlife service, conveyance of land for.....('51:J.R.17) 738, 739
fish study, funds.....('45:c.16,F-274)
games, bribery.....('47:c.186,D-167)
land acquisition, appropriation for.....('49:c.303,F-356)
land at Kealahou, to be acquired for.....('49:c.199,F-354)
land transfer, Honolulu to university, payment.....('49:c.195,F-355)
nursing school.....('51:c.174,A-51) 154, 155
post-war building plan.....('45:c.169,F-241)
president
government records, disposal of, duties.....('49:c.65,A-13)
regents
powers of.....('51:c.178,61,A-49,A-50) 153, 154
school of nursing, powers, etc.....('51:c.174,A-51) 154, 155
regents, approval of vouchers, etc., by agent,
§ 1943.....('45:c.135,A-40)
regents, etc., § 1942.....('45:c.135,A-40)
soil conservation districts.....('47:c.191,A-37)
specialist in cooperative organizations,
appointment of.....('49:c.248,A-57)
tuition fees.....('51:c.61,A-50) 154
university projects.....('47:c.141,A-42)
war history; funds.....('47:c.186,F-223)

UNIVERSITY PROJECTS

creation; bonds, loans.....('47:c.141,A-42)

URBAN REDEVELOPMENT ACT

definitions.....('51:c.244,B-133) 324, 325
definitions.....('49:c.379,B-175)
eminent domain, enabling legislation required.....('49:c.379,B-175)
funds, donations, advances.....('51:c.244,B-133) 336, 337
funds, donations, advances, appropriation.....('49:c.379,B-175)
legal investments, bonds and securities as.....('49:c.379,B-175)
legislative declaration and interpretation.....('49:c.379,B-175)
manager of redevelopment agency.....('49:c.379,B-175)
redevelopment agencies, creation, powers
and duties.....('51:c.244,B-133) 325-337
redevelopment agencies, creation, powers
and duties.....('49:c.379,B-175)
redevelopment corporations
advances by redevelopment corporations.....('49:c.379,B-175)
application of general corporation laws.....('49:c.379,B-175)
consent of redevelopment agency required.....('49:c.379,B-175)
consideration for issuance of stocks and bonds.....('49:c.379,B-175)
creation of.....('49:c.379,B-175)
dissolution.....('49:c.379,B-175)
income debentures.....('49:c.379,B-175)
legal investments, securities as.....('49:c.379,B-175)
limitations on powers.....('49:c.379,B-175)
minimum amount of stock and debentures.....('49:c.379,B-175)
mortgages and mortgage bonds.....('49:c.379,B-175)
participation by other corporations.....('49:c.379,B-175)

CUMULATIVE INDEX

URBAN REDEVELOPMENT ACT—continued redevelopment corporations—continued

PAGE

powers	('49:c.379,B-175)	
regulation by redevelopment agencies.....	('49:c.379,B-175)	
return on investment, limitations on.....	('49:c.379,B-175)	
transfer of title on foreclosure of project.....	('49:c.379,B-175)	
tax exemptions	('49:c.379,B-175)	
title	('49:c.379,B-175)	

UTILITIES

See Franchises, Public Utilities

VACATIONS

allowances, certain, terminate.....	('47:c.118,A-17)	
cash in lieu of.....	('45:c.176,A-16)	
cash in lieu of vacation, allowed when.....	('51:c.262,A-19)	78, 79
child labor	('45:c.9,A-66)	
credits	('47:c.216,F-240)	
defense rule 74 continued.....	('47:J.R.16)	
defense rule 141, continued.....	('47:J.R.20)	
earned vacation credit, claim for.....	('49:c.258,F-401)	
Hansen's disease patients.....	('49:c.378,A-77)	
public officers and employees.....	('51:c.326,A-17)	74, 75
public officers and employees.....	('49:c.163,A-13)	
on termination of employment.....	('49:c.298,A-19)	
substitute's salary, sick leaves.....	('47:c.27,A-16)	

VACCINATION

See Health

entries on identification certificates.....	('45:c.171,A-49)	
(under defense rule)		
§§ 2334-37 amended	('47:c.165,A-51)	
penalties, §§ 2339-40 repealed	('45:c.171,A-49)	
(See §§ 2341-2342)		
school children	('51:c.181,A-55)	159

VACCINES

purchase of by board of health.....	('45:c.191,A-46)
-------------------------------------	------------------

VAGRANCY

trespass near dwelling.....	('45:c.48,D-186)
-----------------------------	------------------

VAGRANTS

who are, penalty.....	('49:cc.99,100,139,D-277-279)
-----------------------	-------------------------------

VEGETABLE PRODUCE

dealers in, licensing of.....	('49:c.114,A-41)
export of, duties of industrial research	
advisory council	('49:c.122,A-43)
export of, regulation.....	(Sp.'49:c.56,A-12)
export of, regulation.....	('49:c.117,A-42)
See Agricultural Products	

VEHICLES

licenses	('51:c.114,252,C-166,C-167)	418, 419
See Busses, Motor Vehicles		

VENDORS

compensating tax duties.....	('47:c.113,A-85)	
economic poisons	('45:c.60,A-24)	
Honolulu, on streets, § 5521 (2).....	('45:c.27,B-131)	
seed importers, § 1354.08.....	('45:c.30,A-30)	
trust receipts, uniform law.....	('51:c.43,C-217)	527-538
See Trust Receipts		

VETERANS

adult education, no fees.....	('45:c.108,A-33,s.4)	
amputees, aid to.....	('47:c.16,F-221)	
appropriations, 1951-1953	('51:c.313,F-274)	671

CUMULATIVE INDEX

VETERANS—continued

PAGE

bonus	('47:c.214,E-190,s.4)	
bonus for disabled veterans.....	(Sp.'49:c.51,E-52)	
bonus for disabled veterans.....	('49:c.12,F-334)	
burial expense vouchers.....	('45:c.198,E-210)	
cemeteries	('47:c.214,E-190)	
cemeteries, appropriation for.....	('51:c.179,F-290)	686
cemeteries, request for funds.....	('49:J.R.14)	
civil service preference.....	('51:c.319,A-2)	24, 25
civil service preference.....	('47:c.119,A-2)	
copies of certain records to be furnished free.....	(Sp.'49:c.34,A-13)	
copies of certain records to be furnished free.....	('49:c.44,D-250)	
council:		
activities	('45:c.150,E-211,s.6)	
activities of council.....	('51:c.75,E-252)	604, 605
agency "Veterans' Affairs".....	('45:c.150,E-211,s.6)	
appointment, expenses	('45:c.150,E-211,s.2)	
appointment, tenure, expenses.....	('51:c.75,E-252)	603
county committees	('51:c.75,E-252)	605
county committees	('45:c.150,E-211,s.8)	
definitions	('51:c.75,E-252)	603, 604
definitions	('45:c.150,E-211,s.1)	
director, employees	('45:c.150,E-211,s.5)	
director and employees.....	('51:c.75,E-252)	604
duties	('51:c.75,E-252)	604
duties	('45:c.150,E-211,s.4)	
effective date	('45:c.150,E-211,s.10)	
membership restrictions	('45:c.150,E-211,s.3)	
political activity restricted.....	('51:c.75,E-252)	604
property and funds, transfer of.....	('51:c.75,E-252)	605
dependents, guardianship	('47:c.202,D-186,s.14)	
employment security benefits.....	('51:c.197,A-81)	221-223
guardianship act	('47:c.202,D-186)	
chief clerk of court, powers.....	('51:c.60,D-239)	589
Hawaii housing powers.....	('47:J.R.4)	
Hawaii housing projects, preference to.....	('49:c.338,A-98)	
home for	('47:c.202,D-186,s.15)	
Kaui veterans memorial hospital.....	('51:c.73,B-146)	355-357
loans and mortgages insured under federal laws.....	(Sp.'49:c.17,C-33)	
loans to	('45:c.228,C-147)	
McKinley school fund.....	('49:c.284,F-373)	
McKinley school fund.....	('47:c.65,F-222)	
minors, loans to.....	('47:c.9,D-174)	
naturalization of parents.....	('45:J.R.3;'47:J.R.5)	
See Citizens		
paraplegic veterans, aid to.....	('49:c.225,F-335)	
parole, pardon, eligible for, when.....	('49:c.2,A-103)	
property, V.F.W., tax exempt.....	('45:c.234,A-94)	
real property tax exemption for totally disabled veterans	('49:c.189,A-152)	
re-employment upon termination of military service	('51:c.262,A-19)	77, 78
regional office, veterans' administration.....	('45:J.R.2)	
retirement system members, special benefits for	('51:c.262,A-19)	80-84
tools, etc., vocational training.....	('45:c.117,A-39,s.3)	
"veterans' affairs" agency.....	('45:c.150,E-211,s.6)	
vocational training	('45:c.117,A-39)	

VETERINARIANS

applicants, qualifications for license.....	('49:c.280,A-91)
board of examiners, appointment, powers, duties, etc.	('49:c.280,A-91)
definitions	('49:c.280,A-91)
examination	('49:c.280,A-91)
fees	('49:c.280,A-91)
funds, expenditure of.....	('49:c.280,A-91)
hearings, procedure, notice of charges.....	('49:c.280,A-91)

CUMULATIVE INDEX

VETERINARIANS—continued

PAGE

license:	
renewal, fee, exceptions.....	('49:c.280,A-91)
required, exception	('49:c.280,A-91)
revocation or suspension, hearings on.....	('49:c.280,A-91)
penalties	('49:c.280,A-91)

VETERINARY

bovine tuberculin tests.....	('45:c.104,A-22)
pharmacy act inapplicable, § 2901 (c).....	('45:c.155,A-55)

VIOLENCE OR FORCE

use of unlawful when, penalty.....	('49:c.73,D-267)
------------------------------------	------------------

VITAL STATISTICS

adoption, amending records.....	('49:c.327,A-92)	
adoption, record of.....	('47:c.47,D-175)	
adoption decrees, recording of.....	('49:c.328,D-285)	
births:		
adoption, records to be amended.....	('49:c.327,A-92)	
compulsory registration of.....	('49:c.327,A-92)	
delayed or altered certificates.....	('49:c.327,A-92)	
Hawaiian birth, certificates of secretary		
of Hawaii	('51:c.132,E-247)	596
registrar to prepare certificate, when.....	('49:c.327,A-92)	
births, certificates of.....	('47:c.54,A-59)	
board of health, authority and duties of.....	('49:c.327,A-92)	
bureau of public health statistics.....	('49:c.327,A-92)	
burial permits, issued when.....	('49:c.327,A-92)	
certificates, forms to be used.....	('49:c.327,A-92)	
certificates and copies as evidence.....	('49:c.327,A-92)	
certificates to be sent registrar general.....	('49:c.327,A-92)	
children, lost, abandoned, birth record.....	('45:c.64,A-57)	
copies of records.....	('49:c.327,A-92)	
fees for	('49:c.327,A-92)	
death, missing persons act.....	('45:c.148,D-171)	
deaths and stillbirths:		
compulsory registration of.....	('49:c.327,A-92)	
delayed determination of cause.....	('49:c.327,A-92)	
fetal deaths, registration of.....	('51:c.92,A-64)	181-183
preparation and filing of certificates.....	('49:c.327,A-92)	
definitions	('51:c.92,A-64)	180-182
definitions	('49:c.327,A-92)	
delayed or altered certificates.....	('49:c.327,A-92)	
divorces and annulments, registration of.....	('51:c.62,A-65)	183, 184
evidence, certificates and certified copies as.....	('49:c.327,A-92)	
fees for certified copies, searches, etc.	(Sp.'49:c.34,A-13)	
fees for copies, searches, etc.	('49:c.327,A-92)	
foreign permit for burial or removal of body.....	('49:c.327,A-92)	
foundings, duty of custodian to report to registrar.....	('49:c.327,A-92)	
immunization certificates	('47:c.165,A-51)	
inspection of records, permitted when.....	('49:c.327,A-92)	
institutions to make reports.....	('49:c.327,A-92)	
interpretation of law, saving clause.....	('49:c.327,A-92)	
legitimation of children born out of wedlock,		
change of name in records.....	('49:c.327,A-92)	
local registrars, appointment, deputies.....	('49:c.327,A-92)	
marriage licenses, duty to report issuance of.....	('49:c.327,A-92)	
marriages, duty to report.....	('49:c.327,A-92)	
names, change of, § 12387.....	('45:c.145,D-200)	
but see Adoption		
penalties	('49:c.327,A-92)	
permit for burial or removal of body.....	('51:c.92,A-64)	181-183
photostatic or typewritten copies of records,		
as evidence	('49:c.327,A-92)	
premarital examination, syphilis	('45:c.136,D-197)	
See Marriage		
records open to inspection, limitations on use of....	('49:c.327,A-92)	
registrar general:		
appointment, qualifications, salary	('49:c.327,A-92)	
duties of	('49:c.327,A-92)	
registration districts	('49:c.327,A-92)	
regulations, authority to make, publication.....	('49:c.327,A-92)	

CUMULATIVE INDEX

	PAGE
VITAL STATISTICS—continued	
title of law	('49:c.327,A-92)
veterans, copies of certain records furnished	
free, when	('49:c.44,D-250)
VOCATIONAL REHABILITATION	
administration	('49:c.219,A-56)
board for vocational education	('49:c.219,A-56)
definitions	('49:c.219,A-56)
division of vocational rehabilitation, director	('49:c.219,A-56)
eligibility for vocational rehabilitation services	('49:c.219,A-56)
federal government, cooperation with	('49:c.219,A-56)
funds, treasurer to act as custodian	('49:c.219,A-56)
gifts, authority to receive	('49:c.219,A-56)
hearings for aggrieved persons	('49:c.219,A-56)
maintenance not assignable	('49:c.219,A-56)
plans of cooperation, authority to formulate	('49:c.219,A-56)
political activity of employees limited	('49:c.219,A-56)
records, misuse of prohibited	('49:c.219,A-56)
reports to governor	('49:c.219,A-56)
saving clauses	('49:c.219,A-56)
title of law	('49:c.219,A-56)
VOCATIONAL TRAINING	
adult courses	('45:c.108,A-33)
advisory board	('45:c.219,A-38)
expenses	('45:c.219,A-38,s.2)
blind, aid to	('47:c.172,F-224)
blind, under bureau	('45:c.125,A-52)
blind defined	('47:c.108,A-71)
buildings for	('47:c.205,F-208)
federal-aid, § 1895	('45:c.117,A-39,s.2)
Lahainaluna high school	('51:c.41,A-47)
rehabilitation of disabled persons	('49:c.219,A-56)
territorial plan	('45:c.117,A-39)
tools, equipment, transfer of	('45:c.117,A-39,s.3)
veterans	('47:c.65,F-222)
	145, 146
VOLUNTEERS	
disaster relief workers, rights of	('49:c.320,E-305)
medical and hospital expenses for	('49:c.132,A-131)
medical care, etc.	('45:c.257,A-75)
termination of workmen's compensation, § 4467	('45:c.160,A-74)
VOTING	
absentee voters, provisions relating to	('51:c.263,A-5)
election inspectors, appointment, number,	
vacancies	(Sp.'49:c.12,A-3)
See Absentees, Elections	49, 50
VOTING MACHINES	
provisions generally	('49:c.318,A-7)
See Elections, subhead Voting Machines	
WAGE-HOUR LAW	
criminal penalty	('45:c.15,A-71)
definitions	('51:c.180,A-84)
employee, definition of	('49:c.292,A-113)
employee, definition of	('45:c.15,A-71)
liability to employee	('45:c.15,A-71)
minimum wages	('45:c.15,A-71)
	227
WAGES	
See Labor	
claims for	('49:c.102,A-107)
deductions permitted when	('51:c.296,A-85)
finer, may not be deducted	('51:c.296,A-85)
payment of penalty, § 4385	('45:c.11,A-72)
penalty for unlawful deductions	('51:c.296,A-85)
unemployment compensation	('47:c.3,A-64)
	227, 228
	227
	228

CUMULATIVE INDEX

	PAGE
WAHIAWA	
sidewalks, §§ 6130, 6135	('45:c.68,B-121)
WAHIAWA WATER COMPANY	
franchise	('47:c.237,E-193)
WAIKIKI BEACH	
See Beaches	
acquisition, tax rate, etc.....	('45:c.141,B-133)
WAIKIKI BEACH PATROL	
transfer to board of parks and recreation.....	('49:c.127,B-207)
WAIKIKI CANAL	
fishing in regulated, penalty.....	('51:c.58,A-34) 113, 114
fishing in regulated, penalty.....	('49:c.154,A-39)
WAIKIKI WAR MEMORIAL NATATORIUM	
transfer to parks and recreation board.....	('49:c.6,B-206)
WAIMANO HOME	
admission to without commitment.....	('49:c.391,A-106)
appeals from unlawful detention.....	('49:c.391,A-106)
Charles Bernard Lambert Hospital.....	('51:J.R.3) 719, 720
director of institutions to administer and control.....	('49:c.391,A-106)
discharge	('49:c.391,A-106)
epileptics from territorial hospital.....	('45:c.165,A-64)
establishment of for feeble-minded,	
epileptics, etc.	('49:c.391,A-106)
expense of inmates, § 4068.....	('45:c.193,A-65)
labor, compensation for	('47:c.183,A-60)
rules and regulations	('49:c.391,A-106)
terminology "insane" to "mental illness"	
changed, generally	('49:c.337,A-104)
transfer of patients from territorial hospital to...	('49:c.391,A-106)
WAR	
civil defense law.....	('51:c.268,E-253) 606-636
See Civil Defense	
defined, under laws re re-employment of	
public employees	('49:c.370,A-20)
disaster relief act	('49:c.320,E-205)
WAR MEMORIAL COMMISSION	
provisions generally	('49:c.288,E-309)
WAR MEMORIALS	
See respective counties, also University	
WAREHOUSE RECEIPTS	
altered receipts	('51:c.39,C-218) 542
attachment of goods for which negotiable	
instrument has been issued.....	('51:c.39,C-218) 545
care of goods, liability of warehouseman.....	('51:c.39,C-218) 544
commingling of goods	
fungible goods, may be commingled when...	('51:c.39,C-218) 544
general rule as to keeping goods separate...	('51:c.39,C-218) 544
liability of warehouseman to depositors....	('51:c.39,C-218) 545
creditors' remedies to reach negotiable	
receipts	('51:c.39,C-218) 545
definitions	
generally	('51:c.39,C-219) 553
negotiable receipt	('51:c.39,C-218) 540
non-negotiable receipt.....	('51:c.39,C-218) 540

CUMULATIVE INDEX

	PAGE
WAREHOUSE RECEIPTS—continued	
delivery of goods	
cancellation of negotiable receipt when	
part of goods delivered.....('51:c.39,C-218)	542
justification of warehouseman in	
delivering('51:c.39,C-218)	541
obligation of warehouseman to deliver.....('51:c.39,C-218)	540, 541
warehouseman's liability for mis-delivery...('51:c.39,C-218)	541
duplicate receipts	
effect of('51:c.39,C-218)	543
must be so marked.....('51:c.39,C-218)	540
effective date('51:c.39,C-218)	554
execution, levy on goods for which	
negotiable receipt has been issued.....('51:c.39,C-218)	545
existing receipts, law does not apply to.....('51:c.39,C-218)	553
form of receipt	
essential terms('51:c.39,C-218)	539
what terms may be inserted.....('51:c.39,C-218)	540
interpretation of law	
cases not provided for('51:c.39,C-218)	553
uniform('51:c.39,C-218)	553
issuance of receipts, who may issue.....('51:c.39,C-218)	539
lien of warehouseman	
against what property lien may be enforced.('51:c.39,C-218)	545, 546
claims included in lien.....('51:c.39,C-218)	545
delivery of goods without satisfaction	
of lien('51:c.39,C-218)	546
effect of sale to satisfy lien.....('51:c.39,C-218)	548
effect on other remedies.....('51:c.39,C-218)	546
loss of lien.....('51:c.39,C-218)	546
negotiable receipt to state charges.....('51:c.39,C-218)	546
other methods of enforcing liens.....('51:c.39,C-218)	546, 548
perishable and hazardous goods.....('51:c.39,C-218)	548
satisfaction of lien by sale.....('51:c.39,C-218)	546, 547
lost or destroyed receipts.....('51:c.39,C-218)	542, 543
negotiation and transfer	
impairment of negotiation by fraud,	
mistake or duress.....('51:c.39,C-218)	550, 551
indorser not guarantor.....('51:c.39,C-218)	550
negotiation of negotiable receipts	
by delivery('51:c.39,C-218)	548
negotiation of negotiable receipts by	
indorsement('51:c.39,C-218)	549
rights of person to whom receipt has	
been negotiated('51:c.39,C-218)	549
rights of person to whom receipt has	
been transferred('51:c.39,C-218)	549, 550
subsequent negotiation('51:c.39,C-218)	551
transfer of negotiable receipt without	
indorsement('51:c.39,C-218)	550
transfer of receipts generally.....('51:c.39,C-218)	549
vendor's lien as defeated by negotiation....('51:c.39,C-218)	551
warranties on sale of receipt.....('51:c.39,C-218)	550
who may negotiate receipt.....('51:c.39,C-218)	549
non-existence or misdescription of goods,	
liability of warehouseman.....('51:c.39,C-218)	544
"not negotiable," failure to mark.....('51:c.39,C-218)	540

CUMULATIVE INDEX

	PAGE
WAREHOUSE RECEIPTS —continued	
penalty	
delivery of goods without obtaining	
negotiable receipt ('51:c.39,C-218)	552
issue for warehouseman's goods of receipts	
not stating that fact..... ('51:c.39,C-218)	552
issue of duplicate receipts not so marked... ('51:c.39,C-218)	552
issue of receipt containing false statement.. ('51:c.39,C-218)	551, 552
issue of receipt for goods not received.... ('51:c.39,C-218)	551
negotiation of receipt for mortgaged goods.. ('51:c.39,C-218)	552, 553
repeal of inconsistent laws..... ('51:c.39,C-218)	554
title of law..... ('51:c.39,C-218)	554
title to goods	
adverse title as defense in action against	
warehouseman ('51:c.39,C-218)	544
interpleader of adverse claimants..... ('51:c.39,C-218)	543
warehouseman cannot set up title	
in himself ('51:c.39,C-218)	543
warehouseman has reasonable time to	
determine claims ('51:c.39,C-218)	543
WAREHOUSEMEN	
unclaimed property, duty to report to police..... ('49:c.319,B-165)	
warehouse receipts, uniform act..... ('51:c.39,C-218)	539-554
See Warehouse Receipts	
WARNING SYSTEMS	
authority of counties to provide for..... ('49:c.198,F-358)	
WARRANTS	
destruction of ('47:c.147,A-39)	
also ('47:c.146,B-98)	
WARRANTY	
economic poisons ('45:c.60,A-24,s.7)	
stock transfers ('47:c.124,C-136,s.11)	
WASHINGTON PLACE	
repairs and equipment, appropriation for.... ('51:c.210,F-291)	686, 687
WASTE	
joinder in summary possession..... ('45:c.216,D-175)	
WATER	
resources, conservation and development of..... ('49:c.274,A-46)	
WATER RESOURCES	
appropriations, special fund, expenditures..... ('49:c.274,A-46)	
board of agriculture, forestry, powers and	
duties relating to ('49:c.274,A-46)	
condemnation of areas for water development..... ('49:c.274,A-46)	
conservation, development and protection of..... ('49:c.274,A-46)	
effect on other agencies..... ('49:c.274,A-46)	
expenditure of funds, vouchers..... ('49:c.274,A-46)	
forest reserve easement, defined..... ('49:c.274,A-46)	
forest reserves, acquisition and use of..... ('49:c.274,A-46)	
legislative policy ('49:c.274,A-46)	
watershed areas, defined ('49:c.274,A-46)	
WATER SUPPLY	
See Waterworks	
Hawaii county board of..... ('49:c.86,B-185)	
See Hawaii County	
motor vehicles owned by, regulations, penalty..... ('49:c.389,A-14)	

CUMULATIVE INDEX

PAGE

WATER SUPPLY—continued

subdivisions, duty of counties to maintain
improvements in('49:c.74,B-171)

WATER SYSTEMS

See Waterworks

Hawaii county, improvement by assessment.....('49:c.356,B-187)
Honolulu, improvement by assessment.....('49:c.267,B-205)
Maui county, improvement by assessment.....('49:c.271,B-193)

WATERSHEDS

conservation, development of water resources.....('49:c.274,A-46)

WATERWORKS

board, Honolulu:

loans from Territorial treasurer,
authorized when('49:c.342,A-159)

parks, land for use of, approval when.....('49:c.185,A-32)

board, Honolulu, aid to Hawaiian Homes

Commission, water('47:c.215,F-216)

cash in lieu of vacation or leave,

payment of('51:c.262,A-19) 80

effect of enacting R. L. 1945.....('45:c.1,A-1,s.2(c))

eminent domain proceedings.....('51:c.12,A-8) 52-61

See Eminent Domain

expenditures, § 351('47:c.18,A-13)

Hawaii: revenues('47:c.40,B-112)

Hawaii county:

bond issue for construction, equipment, etc.....('49:c.28,E-817)

Honolulu:

Hawaiian homes land, requested transfer of.....('51:J.R.8) 724-729

improvements by assessment affecting

water supply('49:c.267,B-205)

power to maintain outside Honolulu district.....('49:c.41,B-195)

powers and duties.....('49:c.3,B-209)

subdivisions, regulations governing('49:c.222,B-204)

Honolulu: pensions('45:c.264,B-122)

See Pensions

Kauai: appropriations('47:c.37,B-116)

re bonds('45:c.61,F-271)

Hanapepe heights('45:c.213,F-244)

Kauai county board('51:c.152,B-148) 362-369

Maui: Kapuna('45:c.130,F-268)

Maui county('49:c.289,B-194)

Molokai: Hoolahua system('47:c.63,F-286)

public lands, lots('45:c.123,A-77)

soil conservation districts('47:c.191,A-37)

temporary loans to('47:c.167,A-98)

Wahiawa Water Co.('47:c.237,E-198)

Waimea, Hawaii, bond issue.....('51:c.240,E-261) 646

water resources, conservation and

development of('49:c.274,A-46)

WAYS

land court, § 12641('45:c.255,D-205,s.1)

rights of way to sea.....('45:c.96,A-76)

WEED CONTROL

advisory committee('49:c.357,A-45)

aircraft application regulated('49:c.357,A-45)

appeal to circuit court.....('51:c.76,A-39) 130, 131

definitions('49:c.357,A-45)

fees for license, inspection, and disposition of.....('49:c.357,A-45)

legislative declaration('51:c.76,A-39) 127

penalties('49:c.357,A-45)

permit to use.....('51:c.76,A-39) 128-130

rules and regulations('49:c.357,A-45)

sales without license prohibited.....('49:c.357,A-45)

WEEDS

noxious weeds, control('45:c.90,A-30)

CUMULATIVE INDEX

	PAGE
WEIGHT TAX	
See Taxation	
WEIGHTS AND MEASURES	
incorrect devices, seizure of.....('51:c.266,C-181)	450
packaged goods, examination of.....('51:c.266,C-181)	450, 451
refusal to exhibit weighing machine, etc.,	
penalty('51:c.266,C-181)	449, 450
short weight, penalty for.....('51:c.266,C-181)	450, 451
specifications, tolerances, regulations.....('51:c.266,C-181)	451, 452
WELFARE	
See Blind, Public Welfare	
juvenile court, aid, funds.....('47:c.56,D-177)	
mental hygiene expenses('47:c.6,A-55)	
WHARFINGERS	
residences, § 4990('45:c.112,A-90)	
WILCOX, G. N. MEMORIAL HOSPITAL	
appropriation, see biennial acts	
WILLS	
release of powers('47:c.126,C-151)	
revocation	
marriage and birth or adoption of child	
after making of will.....('51:c.270,D-235)	579
WITNESSES	
adverse party, examination of.....('45:c.183,D-167)	
boards and commissions, power to subpoena.....('49:c.323,A-17)	
boxing commission, power to subpoena.....('51:c.307,C-182)	453
depositions	
foreign jurisdiction, to be used in.....('51:c.199,D-228)	565, 566
fees, § 9827('45:c.38,D-166)	
fees, tax hearings('45:c.196,A-92,s.2)	
government employees refusal to testify,	
termination of employment.....('51:c.177,A-15)	70-71
governor's emergency representatives,	
power to subpoena.....(Sp.'49:c.21,A-5)	
husband and wife, privilege not applicable	
to support cases.....('51:c.216,D-238)	585, 586
insurance law, immunity allowed when....('51:c.298,C-207)	512, 513
labor hearings('45:c.250,A-68,s.9)	
legislative hearings(Sp.'49:c.40,A-7)	
See Legislature, subhead, hearings and procedure	
license revocation, doctors('47:c.201,A-53)	
privileges in conspiracy cases.....(Sp.'49:c.10,D-42)	
subversive activities commission, power to	
subpoena(Sp.'49:J.R.5)	
tax hearings('45:c.196,A-92,s.2)	
WOMEN	
jury duty (subject to approval by Congress) ..('51:c.91,D-226)	564
WORKMEN'S COMPENSATION	
accident prevention fund('47:c.81,A-66)	
accidents, report of, § 4449.....('45:c.10,A-78)	
action against third person, election,	
subrogation('51:c.194,A-86)	229, 230
appeal boards, Hawaii, Maui, Kauai, appointment.('49:c.115,A-126)	
artificial members and other aids.....('49:c.202,A-124)	
attendant, permanent total disability.....('45:c.10,A-78)	
award, modification, allowed when.....('49:c.854,A-127)	
awards, default in payment, penalty.....('49:c.206,A-128)	

CUMULATIVE INDEX

	PAGE
WORKMEN'S COMPENSATION—continued	
award, § 4435	('45:c.10,A-73)
blind workmen, coverage.....	('51:c.259,A-103) 254
"committee of arbitration" deleted from §§ 4446, 4447, 4448	('45:c.10,A-73)
death benefits	('51:c.194,A-86) 230
death benefits	('49:c.129,A-116 and c.111,A-117)
average weekly wages, payment to whom, etc.	('49:c.111,A-117 and c.204,A-119)
defaults in payment of compensation, penalty.....	('49:c.206,A-128)
definitions	('49:c.110,A-115 and c.129,A-116)
dependents, who are	('49:c.293,A-118)
disability, compensation for	
permanent partial disability....	('51:cc.49,50,A-87,A-88) 230, 232-236
permanent total disability.....	('51:c.49,A-87) 230-232
disability, subsequent injury	('47:c.81,A-66)
disaster relief workers, rights of.....	('49:c.320,E-305)
election of employer, § 4403.....	('45:c.10,A-73)
employments covered	('49:c.110,A-115)
employments covered, election	('45:c.10,A-73)
examination of injured, by physician appointed by director; fees, § 4438.....	('45:c.10,A-73)
industrial safety, bureau	('47:c.64,A-66)
industrial safety bureau, fees.....	('49:c.133,A-114)
injury, one year to notify, § 4401.....	('45:c.10,A-73)
majority of appellate board control.....	('45:c.10,A-73)
maximum compensation, §§ 4416, 4417.....	('45:c.10,A-73)
also	('47:c.81,A-66)
national guard	('47:c.169,A-67)
national or territorial guard.....	('51:c.48,A-89) 237
notice, time, volunteer personnel.....	('45:c.257,A-75)
notice of injury, death, time limit.....	('49:c.129,A-116)
payment of compensation	
after death of permanent partial disability beneficiary	('49:c.113,A-125)
permanent disability, attendant, § 4416.....	('45:c.10,A-73)
permanent partial disability.....	('51:cc.49,50,A-87,A-88) 230, 232-236
permanent partial disability	('49:c.112,A-122,c.184,A-123 and c.202,A-124)
permanent total disability.....	('51:c.49,A-87) 230-232
permanent total disability, compensation for.....	('49:c.130,A-120)
reopening, modification, § 4441	('45:c.10,A-73)
reopening of case for changed conditions, fraud, allowed when	('49:c.354,A-127)
repeal §§ 4436, 4437, 4439, 4440.....	('45:c.10,A-73)
report of accident, how, § 4449.....	('45:c.10,A-73)
reports of injuries, etc., by employers, penalty.....	('49:c.115,A-126)
reports of physicians, surgeons, hospitals, duty to make	('49:c.203,A-129)
revenue bond projects, § 5935.....	('47:c.74,A-97)
school children, injuries	('45:c.272,F-230)
subrogation, right of employer to.....	('51:c.194,A-86) 229, 230
temporary total disability, compensation for.....	('49:c.131,A-121)
territorial, insurance fund	('45:c.89,A-116)
territorial guard, § 4467	('45:c.160,A-74)
third person, injury caused by, remedies.....	('51:c.194,A-86) 229, 230
vocational rehabilitation of disabled persons.....	('49:c.219,A-56)
volunteers, appropriation for compensation.....	('49:c.118,A-130)
volunteers, medical, hospital expenses.....	('45:c.257,A-75)
volunteers, medical, hospital expense, appropriation	('49:c.132,A-131)
volunteers, termination of right.....	('45:c.160,A-74)
WRIT OF ERROR	
bond, insufficient or failure to file, procedure.....	(Sp.'49:c.41,D-35)
ZONING	
See Airport Zoning	
airports	('45:c.182,A-85)
Hawaii, buildings	('47:c.76,B-109)
Hawaii, § 6358	('47:c.77,B-108)
limited as to Hawaii housing.....	('47:J.R.4,s.4)